The Maryland-National Capital Park and Planning Commission

Merit System Rules and Regulations

Effective September 9, 2008
as last amended 12/18/2024

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MERIT SYSTEM RULES & REGULATIONS MANUAL

The Merit System Rules and Regulations (Merit Rules) manual establishes the umbrella employment policies for Merit System employees. The Merit Rules are under continuous review. Amendments are adopted by the Commission to reflect evolving federal and state laws, incorporate needed policies, and address operational needs of the agency.

The Merit Rules underwent a comprehensive rewrite in September 2008. Subsequent updates are referenced in the relevant sections. The most recent version of the Merit Rules is maintained online, so it is accessible by all employees. Printed copies may be requested.

Questions/comments regarding policy updates or requests for copies may be forwarded to the Corporate Policy Office at 6611 Kenilworth Avenue, Suite 400, Riverdale, MD 20737, by email at policyreview@mncppc.org, or by phone at 301-454-1740.

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Chapter 100: General Provisions

110 Authority

These Rules and Regulations shall be known as the Merit System Rules and Regulations of the Maryland-National Capital Park and Planning Commission, recommended by the Merit System Board and adopted by the Commission pursuant to Division II of the Land Use Article, Annotated Code of Maryland.

120 Purpose

In accordance with the statute, it is the purpose of these Rules and Regulations to serve as a basis for the administration of the Merit System by setting forth the principles of a Merit System, establishing policies for employment, promotions, and other Merit System actions and by specifying responsibilities for the operation of the Merit System. Further, it is the purpose of the Rules and Regulations to implement Commission policy through which:

121 Employment with the Maryland-National Capital Park and Planning Commission shall be made attractive as a career;

122 Employment actions including, but not limited to, appointments and promotions to and separations from, positions in the Merit System shall be made on the sole basis of merit and fitness for duty;

123 Classification and compensation plans shall be adopted which shall conform to the principle of equal pay for equal work;

124 Each employee shall be expected to render his/her best service to the Commission;

125 A safe, healthful, and productive working environment shall be maintained; and

126 The work environment promotes diversity and equal employment opportunity.

130 Management Prerogatives

Management shall have general responsibilities and the authority to manage and direct the operations and activities of the Commission's work program. These operations and activities include, but are not limited to:

131 Determining, within the confines of the adopted budget and approved administrative procedures and guidelines, the scope, methods, and means of effectuating the missions and goals of established work units, divisions, and departments;

132 Determining the size, grades, and composition of the staff within the limits of the adopted budget;

133 Directing and assigning the work of employees, which includes, but is not limited to, appointments, promotions, reassignments, change to lower grade, reclassification, transfers, and scheduling of employees;

134 Determining services to be rendered, operations to be performed, and standards of productivity;

135 Suspending, dismissing, or otherwise disciplining employees for cause;

136 Evaluating the performance and conduct of employees and rewarding or taking remedial action, as appropriate;

137 Introducing new and improved technology, research, development, and services; and

138 Promulgating operating guidelines and procedures.

140 Applicability

The Merit System Rules and Regulations apply to all career and probationary Merit employees of the Maryland-National Capital Park and Planning Commission. Excluded from these Regulations are:

141 Employees specifically identified as appointed or contractual in:

141.1 Division II of the Land Use Article of the Annotated Code of Maryland, including, but not limited to: the Commissioners, the Executive Director, the Secretary-Treasurer, the General Counsel, the Director of the Prince George's County Department of Planning appointed to this position after July 1, 1991, the Director of the Prince George's County Department of Parks and Recreation, the Director of the Montgomery County Department of Parks, the Director of the Montgomery County Department of Planning, the Deputy Director of the Prince George's County Department of Parks and Recreation appointed to this position after July 1, 1996, the Deputy Director of the Prince George's County Department of Planning appointed to this position after July 1, 1996, and the Deputy Chief of the Prince George's County Division of the Park Police.

141.2 Commission Practice 2-16, Seasonal/Intermittent, Temporary, and Term Employment, which recognizes the employment of individuals into temporary or part-time contractual position categories as defined within.

142 Employees covered by collective bargaining for those sections of the Merit System Rules and Regulations that are superseded by applicable collective bargaining agreements.

143 Park Police Officers for those sections of the Merit System Rules and Regulations that are superseded by the Law Enforcement Officers' Bill of Rights.

145 Interpretation of the Rules and Regulations

146 All requests for an interpretation shall be made in writing addressed to the Human Resources Director.

147 The Human Resources Director shall issue an interpretation in writing and within a reasonable time. The Human Resources Director shall consider input from the respective Department Head prior to issuance of the interpretation. The interpretation shall have the concurrence of the Executive Director. An interpretation by the Human Resources Director may not be grieved under the provision of the Administrative Grievance Procedure.

148 An alleged misapplication of any Merit System Rules and Regulations upon which the interpretation was based is appealable to the Merit System Board in accordance with Chapters 2000, Disputes and 2100, Appeals and Hearings.

150 Requests for Information

Information requests on the Rules and Regulations may be made orally or in writing to the Human Resources Director. Responses to requests for information shall be made promptly.

155 Nepotism

A Department Head or employee may not appoint, promote, reassign, or participate in any employment action affecting a member of his/her family. A Department Head may not permit the employment of members of a family where one has direct or indirect supervisory responsibility over the other. For purposes of nepotism, "family" is an individual related to the Commission employee by blood, marriage, adoption, or an individual who is the employee's domestic partner (as qualified under the Commission's Health and Benefits Program).

Examples of relatives include, but are not limited to: parent or stepparent, spouse, brother, stepbrother, sister, stepsister, child or stepchild, spouse's parents, grandparents or spouse's grandparents, legal guardian, or any other individual who meets the definition of "family" as defined for nepotism.

160 Amendments or Revisions of the Rules and Regulations

Amendments or revisions of the Rules and Regulations shall be recommended by the Merit System Board and adopted, modified, or disapproved by the Commission. The following procedures shall be used during the amendment process:

161 The Merit System Board shall release to all employees for a thirty (30) calendar day review, proposed amendments or revisions to the Rules and Regulations.

162 Employees not covered by collective bargaining may make comments and suggestions that shall be reviewed and considered by the Merit System Board prior to the submission to the Commission of the proposed amendments or revisions to the Rules and Regulations. Amendments that are the subject of collective bargaining shall be reviewed and considered pursuant to the terms of the applicable collective bargaining agreement.

163 After receipt of the Merit System Board's recommendation, the Commission has ninety (90) calendar days in which to approve, modify, or disapprove the proposed amendment(s) or revision(s). If the Commission does not act within ninety (90) calendar days of submission, the amendment or revision is approved as submitted.

170 Administrative Support

The Commission shall provide customary administrative support for the Merit System Board that does not impede or give the appearance of impeding the Board's impartiality.

175 Delegation of Authority

A Department Head, including the Executive Director, the General Counsel, and the Secretary-Treasurer, may designate a representative to implement any of the provisions of these Rules and Regulations. A Department Head's designation/withdrawal shall be in writing. A Department Head may withdraw his/her designation at any time.

180 Effective Date

The effective date of the Rules and Regulations shall be September 9, 2008.

185 Suspension of Rules

In an emergency situation, the Commission may suspend, in total or in part, a section or number of sections of these Rules and Regulations. Examples of emergency situations include such actions as natural disasters, civil disorders, and extreme fiscal limitations.

190 Separability

If any Rule or Regulation, once adopted, shall later be held invalid, the remainder of the Rules and Regulations may not be affected.

195 Drafting Language

The following shall apply throughout the Merit System Rules and Regulations and applies only to the terms listed below:

196 The use of "may" means the discretionary ability to use, grant, or permit actions, privileges, and benefits.

197 The use of "may not" means the mandatory negative that prohibits or denies authority for actions, privileges, or benefits and has the same effect as "shall not", "cannot", "will not", or "must not".

198 The use of the term "shall" means the mandatory authority or requirement to take an action and has the same effect as "must" or "will".

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Chapter 200: Merit System Board

210 Basic Concepts

Pursuant to Division II of the Land Use Article of the Annotated Code of Maryland, the Merit System Board of the Maryland-National Capital Park and Planning Commission was established to provide oversight for the operations of the Merit System.

220 Composition of the Merit System Board

221 Appointed by the Commission for four-year terms, the Merit System Board is composed of three (3) members, who are knowledgeable and experienced in personnel matters. Board members must be residents of the Maryland Washington Regional District (Montgomery and Prince George's Counties) with no more than two (2) members from any one County. One member of the Board shall be named by the Commission as Chairperson and shall serve in that capacity at the pleasure of the Commission. The Merit System Board shall elect the Vice Chairperson.

222 The Commission may reappoint a member for a new term in the same manner as for the making of the original appointment. At the expiration of a term, a Board member shall serve until reappointed or replaced. The Commission may fill a vacancy on the Board, created other than by completion of a member's term of office, for the period of the unexpired term. No appointee shall be a Park and Planning Commission member or employee at the time of appointment or during the term of appointment.

230 Duties and Responsibilities

The Merit System Board is an impartial Board responsible for making recommendations and decisions regarding the Commission's Merit System. The Merit System Board is the highest level for appeal hearings within the Commission. The Merit System Board's decision(s) shall be final and binding. The powers and duties of the Board are to:

231 Monitor the administration of the Commission's Merit System and, after consultation with employees and management, prepare and recommend Rules and Regulations governing operations of the Commission's Merit System. The Board shall submit its recommendations to the Commission.

232 Prepare and review compensation and classification plans, including amendments thereto, and make recommendations thereon to the Commission.

233 Prepare Rules of Procedure for the conduct of its meetings, hearings, and other activities. The Board shall submit its proposed Rules of Procedure, or any amendment to the adopted Rules of Procedure, to the Executive Director for review

and comment. Along with the comments from the Executive Director, the Board shall then submit its proposed Rules of Procedure to the Commission. The Commission may approve, modify, or disapprove the proposed Rules of Procedure. If the Commission does not act within ninety (90) calendar days of submission, the Rules of Procedure are adopted as submitted.

231.1 The Rules of Procedure shall include, but not be limited to, the following:
Procedures for conducting regular meetings, special proceedings, and hearings;

Procedures for submission of an appeal;

Procedures for the preliminary processing of an appeal, including review of the record, pre-hearing submissions, and pre-hearing conferences;

Procedures for the exercise of subpoena powers; Rules of Evidence;

Procedures for deciding appeals and preparing and processing decisions; and

Prohibition against ex parte contacts with members of the Merit System Board.

234 Serve as the final administrative appellate board on all appeals resulting from disciplinary actions, grievance decisions, classification decisions, and complaints of discrimination, except as provided for in Collective Bargaining Agreements.

235 Issue a summary of case decisions at least once a year.

236 Hold periodic open meetings with Commission employees to hear their proposals to improve the Merit System and working conditions, and make appropriate recommendations to the Commission.

237 Report periodically, or as requested, to the Commission on matters relating to the Merit System.

238 Perform other duties as requested or assigned by the Commission.

240 Officers and Their Duties

241 The officers of the Merit System Board shall be a Chairperson and Vice Chairperson.

242 The Chairperson shall preside at proceedings and shall perform the other customary duties of such an officer. Included in these duties are preparing meeting agendas, providing notice of meetings to the Executive Director of the Commission, and signing Merit System Board decisions. The Chairperson may assign work to Board members to be accomplished in closed work sessions.

243 The Vice Chairperson shall act for the Chairperson in his/her absence.

250 Meetings

251 The Merit System Board shall conduct its business in a manner that assures impartiality, confidentiality, fairness, and due process. Except for the periodic open meetings, the Merit System Board shall conduct work sessions and hearings in a closed manner because of the confidential nature of the business before it, unless ruled otherwise by the Board.

252 The Chairperson of the Merit System Board shall maintain an agenda for all open meetings. The agenda shall be available for public inspection.

260 Records

Merit System Board records shall be maintained in accordance with Maryland State law. Minutes of open meetings are public records and shall be available for inspection during the Board's normal office hours. Minutes of closed meetings, sessions, or hearings are confidential and are not available for public inspection.

261 Appeal files and records are confidential and available only to the involved parties, as determined by the Merit System Board.

270 Administrative Support

The Commission shall budget funds for the payment of compensation and expenses of Merit System Board members. The Commission shall also make available to the Board personnel records, facilities, employees, and such experts and assistants as are necessary to carry out the duties of the Board.

280 Termination of Appointment

Misfeasance, malfeasance, and nonfeasance in office shall be cause for removal of a Merit System Board member upon proper notice and due consideration by the Maryland-National Capital Park and Planning Commission.

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Chapter 300: Equal Employment Opportunity

* 310 Basic Concepts *(as last amended May 18, 2011)*

It is the policy of the Maryland-National Capital Park and Planning Commission that applicants and employees receive fair and equal treatment. The Commission strives to hire and promote the best qualified individuals available.

All employment actions and decisions shall be in full compliance with the Merit System Rules and Regulations and the principles of equal employment opportunity. In accordance with applicable federal/state/local laws, discrimination against individuals is prohibited in recruitment, examination, appointment, training, promotion, retention, discipline, and/or any other aspect of employment because of race, color, religion, sex, age, national origin, sexual orientation, marital status, disability, genetic information, gender identity, or other unlawful factor as set forth in the applicable laws.

320 Equal Employment Opportunity/Diversity Management Program

The Commission's Equal Employment Opportunity/Diversity Management Program reinforces merit employment concepts by assuring that all persons have an opportunity to enter the Commission's service on the basis of open competition and to advance on the basis of merit.

The Executive Director is responsible for the development, coordination, and implementation of the Commission's Equal Employment Opportunity/Diversity Management Program.

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Chapter 400: Creation and Abolishment of Positions

410 Basic Concepts

The creation and abolishment of positions are Department Head actions that are initiated as a result of changes in work programs, organization, reduction-in-force, budget, and/or technology.

420 Creation of Positions

All Merit System positions are established by a Department Head, subject to budgetary and organizational guidelines, as approved by the Commission/Planning Board. Positions are created as full-time or part-time and may not exceed the authorized personnel complement, as approved by the Planning Board and/or the Commission.

421 The Department Head shall consult with the Human Resources Director when creating new positions.

430 Reasons for Abolishing Positions

A Merit System position may be abolished for any one or more of the following reasons:

431 Work program changes;

432 Reduction in funding or budgetary crisis;

433 Technological changes; and

434 Reorganization or restructuring.

440 Authority to Abolish Positions

A position may be abolished, with approval by the authority as designated, for vacant and encumbered positions. Reasons for the abolishment actions shall conform to any one or a combination of reasons identified in Section 430 of these Rules and Regulations.

441 **Abolishment of Vacant Merit System Positions**

A Department Head may abolish a vacant Merit System position.

442 **Abolishment of Encumbered Merit System Positions**

The procedures of Chapter 2200, Reduction-In-Force shall be followed when abolishing an encumbered full-time or part-time Merit System position. The Human Resources Director shall be consulted prior to approval of an abolishment of an encumbered position.

Abolishment of an encumbered Merit System position requires approval as follows:

For positions that report to an operating department, the respective Department Head must receive approval by the respective Planning Board.

For positions that report to the Department of Finance, the Office of the General Counsel, or the Department of Human Resources and Management, the respective Department Head must receive approval by the Commission.

The Commission or Planning Board may abolish a position that reports directly to it.

Chapter 500: Merit System Employees: Probationary and Career Status

510 Basic Concepts

A Merit System employee is an individual who is appointed to a Merit System position. A Merit System employee may be either full-time or part-time.

A new employee appointed to a Merit System position shall serve a probationary period. "Career" status is achieved by the new probationary employee after demonstrating satisfactory job performance, as defined in the Performance Management Program, and upon successful completion of the probationary period.

Career status entitles Merit System employees to the rights and privileges described in these Rules and Regulations, including appeal rights to the Merit System Board. Merit System employees in probationary status are entitled only to those rights and privileges specifically identified herein.

A career employee who is competitively promoted to another Merit System position shall serve a probationary period upon promotion. Career status is maintained during a promotion-based probationary period.

520 Appointment

An appointment is the designation of an eligible applicant to a Merit System position by a Department Head with the approval of the Human Resources Director. An appointment shall be either full-time or part-time and is accompanied by a probationary period, as required for the appointment.

530 Categories of Merit System Employees

The categories of Merit System employees are defined below:

531 **Career Merit System**

Employees who have satisfactorily completed the new-hire probationary period are considered to be in career Merit System status.

Each new probationary employee who is granted career status at the completion of the probationary period shall be known as a full-time or part-time Merit System career employee and is entitled to all rights and privileges of the Commission's Merit System, as identified in these Rules and Regulations. An existing career employee who is promoted to another Merit System position shall retain career Merit status.

Full-Time Career: A career employee appointed to a Merit System position on a standard 40-hour work week on a year-round basis.

Part-Time Career: A career employee appointed to a Merit System position on a year-round basis, working at least one-half the standard work week (20 hours), but less than full time (40 hours).

532 **Probationary Merit System**

A new employee appointed to a Merit System position shall be known as a probationary employee.

Full-Time Probationary: A new employee appointed to a Merit System position, on a standard 40-hour work week.

Part-Time Probationary: A new employee appointed to a Merit System position on a year-round basis, working at least one-half the standard work week but less than full-time.

540 Probation for New Employees (Non Park Police)

541 A new employee serving probation may be subject to an employment action, including dismissal, with at least a ten (10) work day notice and without right of appeal to the Merit System Board.

542 Probationary Period

A probationary period for a new employee shall be twelve (12) months. Probationary new hires shall receive an interim review at six (6) months to provide an assessment of their performance.

Upon completion of the twelve (12) month probationary period, the probationary employee shall be reevaluated. The probationary employee may be granted career status only upon attaining an overall fully satisfactory performance evaluation rating of "2" as defined in Chapter 1000, Performance Management.

A newly hired probationary employee who does not receive an overall fully satisfactory performance evaluation rating of "2", upon completion of the twelve (12) month probationary period shall be dismissed from the Commission.

A probationary employee who receives an overall unsatisfactory performance evaluation rating of "0" at any time during the probationary period shall be dismissed.

550 Probation Following Competitive Promotion of Career Employees

A career Merit System employee who is competitively promoted to another Merit System position shall serve a probationary period of six (6) months upon promotion. (This

probationary period does not apply to promotions that are a result of a reclassification action). This probationary period does not result in loss of career Merit status, but allows the employee to demonstrate ability to perform duties of the promoted level.

551 At the conclusion of the established probationary period, an overall fully satisfactory performance evaluation rating of "2" is required for the employee to remain at the promoted level (see Chapter 1000, Performance Management).

552 An overall rating that is less than fully satisfactory shall result in the employee's removal from the promoted position. Subject to work program needs and position availability, removal from position may include, but is not limited to: placement of the employee into the former position; placement in a new position at the former position level; or demotion to another position for which the employee qualifies. If a position is not available or the employee does not accept a recommendation for placement into an available position, termination of employment may be considered. Removal of a career employee from the competitively promoted position requires approval by the Human Resources Director.

560 Park Police

561 **Probationary Period for a Park Police Officer Candidate**

Successful applicants for Park Police Officer positions shall be designated as probationary Park Police Officer Candidates. Career status is granted when the Candidate has successfully completed the state-mandated entrance level training for police and twelve (12) months' service, thereafter, provided an overall performance evaluation rating of "Good" or better has been achieved. A probationary Park Police Officer Candidate may be subject to an employment action, including dismissal, with at least a ten (10) work day notice and without right of appeal to the Merit System Board. (The Park Police use the Commission's Performance Evaluation System, effective 1977, to evaluate Park Police Officers who are covered by a collective bargaining agreement and Park Police Candidates).

562 **Probationary Period for a Park Police Officer Eligible for the Advanced Entry Program**

Police Officers who qualify for appointment under the Advanced Entry Appointment Program shall serve a probationary period of not less than twelve (12) months. Career status is granted when the officer completes the probationary period and receives an overall performance evaluation rating of "Good" or better.

If a "Marginal" rating is received after twelve (12) months of probation, the officer shall be required to serve an additional six (6) months of the probationary period to

achieve an overall performance evaluation of "Good" or better and career status. An evaluation rating of "Unsatisfactory" at any time during the probationary period shall result in dismissal.

563 A Park Police Officer Candidate shall be granted the rank of Park Police Officer II following successful completion of the state-mandated entrance level training for police and the appropriate probationary period.

564 **Length of Probationary Period for a Park Police Officer Candidate**
The probationary period shall remain in force until the Park Police Officer Candidate has successfully completed the state-mandated entrance level training for police and twelve (12) months service thereafter. A Department Head may grant career status to a Park Police Officer (see Section 561, Probationary Period for a Park Police Officer Candidate), when the officer has completed the probationary period, if the officer has received an overall performance evaluation rating of "Good" or better.

An officer who receives an overall performance evaluation rating of "Marginal" shall be required to serve an additional six (6) month probationary period and earn an evaluation of "Good" or better in order to receive career status. An evaluation rating of "Unsatisfactory" at any time during the probationary period shall result in dismissal.

570 Reappointment
A former career Merit employee who was terminated because of a reduction-in-force may be reappointed to a vacant Merit System position on a non-competitive basis, with the concurrence of the Human Resources Director, for reasons that may include, but are not limited to (see also Chapter 2200, Reduction-In-Force):

571 The individual meets the required qualifications for the position.

572 The appointment is within two (2) years from the date of separation.

573 The appointment is made to a position at the same or lower grade level and similar classification series, as the one held at the time of separation.

580 Concurrent Commission Employment/Re-employment of Retired Merit Employees/Allocation of Merit System Positions

581 A Merit System employee may not be concurrently appointed to another Merit System or contract employee position with the Commission (see also Commission Practice 2-16/Administrative Procedures 00-02, Seasonal/Intermittent, Temporary, and Term Employment).

582 Merit System employees may not concurrently serve as third party contractors for the Commission (see also Commission Practice 4-10, Purchasing).

583 **Retired Merit System Employees**

A retired person who is receiving a service retirement allowance from the Commission's Employees' Retirement System may be appointed only to a contract employee position as defined below:

581.1 Retired Merit System employees may not be rehired into contract employee positions to carry out the same or similar duties/responsibilities held prior to retiring from their Merit System position. Exceptions are only permitted with the approval of the Human Resources Director when the rehire is necessary to meet critical, interim work program requirements. In such cases, the Department Head must provide for consideration by the Human Resources Director a written request along with justification for the placement of the rehire into an interim contract position. Written justification and approval by the Human Resources Director shall be updated every six (6) months.

584 A contract employee position, under Commission Practice 2-16, Seasonal/ Intermittent, Temporary, and Term Employment, may not be substituted for a Merit System position, except when approved through the budgetary process.

590 Disciplinary Action

An employee may be subject to a disciplinary action at any time, regardless of employment status. Disciplinary actions are separate from performance appraisal rating outcomes (see Chapter 1900, Discipline).

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Chapter 600: Application for Employment and Medical Examinations

610 Basic Concepts

All employment decisions shall be based on merit and shall meet the requirements of all applicable federal and state laws which include, but are not limited to, the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, etc.

The Commission shall administer all testing and/or medical examinations that are or may be required by state and/or federal law.

The Executive Director shall issue administrative procedures, as necessary, on implementation guidance for application of employment and medical examinations.

620 Application Process

621 The Human Resources Division shall accept applications and/or resumes for advertised and continuous eligibility positions. The Human Resources Director, together with the Department Head, shall establish a reasonable time (a minimum of ten working days) during which applications and/or resumes may be accepted for announced positions.

622 Before being interviewed or considered for selection, an applicant shall complete a Commission employment application.

623 All applications and related material are Commission property.

624 Each applicant shall be notified by the Human Resources Division of the status of his/her employment application.

625 Applications for Merit System positions may be rejected for a particular position for reasons that include, but are not limited to:

625.1 Failure to meet the required specified minimum qualifications.

625.2 Making a false statement.

625.3 Lack of job-related prerequisites deemed necessary for the effective performance of the duties and responsibilities of the position.

625.4 Failure to meet fitness for duty requirements and/or failure to comply with the Commission's Controlled Substance and Alcohol-Free Workplace Policy.

625.5 Conviction of a criminal offense as it relates to the position.

625.6 Dismissal or resignation from the Commission that was not in good standing.

625.7 Discharge or release from military service under other than honorable conditions as it relates to the position.

625.8 Unsatisfactory performance reviews/employment references.

630 Applications deemed eligible for specific positions may be retained for six months. Applications accepted for continuous eligibility positions shall be kept in an active status for six months.

640 References and Investigations

The Department Head and the Human Resources Director shall establish necessary reference and investigation requirements to determine the suitability of each applicant. References from past and present employers and investigations, when appropriate, may be used.

650 Medical Examinations

Each person being considered for, or currently appointed to a Merit System position, shall be able to perform the essential duties and responsibilities of the position, with or without reasonable accommodations, pursuant to the Americans with Disabilities Act.

Medical examinations determine the ability to perform essential duties and responsibilities of Commission positions.

Medical examination reports and related medical records shall be maintained under the supervision of the Human Resources Director. Files shall be kept in the Human Resources Division, separate from official personnel files, and reviewed only by authorized personnel.

651 **Post-Offer Examinations for Candidates Seeking Appointment to a Position**

After an offer of employment is extended, the internal or external candidate may be required to pass a medical examination, by a licensed medical provider selected by the Commission. Positions that require a medical examination are designated in the Commission's classification system.

651.1 Whenever the Commission's licensed medical provider or other physician certifies to the Commission that a candidate has a condition that may impair satisfactory performance, or may jeopardize the health or safety of the candidate or others, the Human Resources Director may declare the candidate ineligible for appointment.

652 Examination of Employees Currently Appointed to Commission Employment

A Department Head who has reason to believe that a current Merit System employee's health may impede the safe or satisfactory performance of essential duties, tasks, and responsibilities may require the employee to undergo a fitness for duty medical examination by a licensed medical provider selected by the Commission. The Department Head may remove that individual from the position and temporarily place the employee on limited duty, transfer the employee to a position where the individual may be productively employed, or take another personnel action deemed appropriate. Provisions of the Americans with Disabilities Act (ADA), including reasonable accommodation, shall be used where applicable.

653 Medical Examinations for Park Police

The Park Police Physical Examination Program shall be administered in accordance with the Medical Standards for Park Police.

As a condition of appointment, a probationary Park Police Officer Candidate shall be required to undergo and pass a medical examination, to include a psychiatric examination, by a licensed medical provider selected by the Commission. A confidential report shall be prepared for each examined probationary Park Police Officer Candidate containing the medical provider's findings and evaluation as to the fitness for the position to which the appointment is being made.

When a duly qualified licensed medical provider selected by the Commission certifies that a Park Police Officer Candidate has a condition that would impair satisfactory performance, or may jeopardize the health or safety of the Candidate or others, the Human Resources Director may declare the Candidate ineligible for appointment to Commission employment.

Park Police Officers shall be required to undergo and pass a medical examination by a licensed medical provider selected by the Commission on an annual basis. A report shall be prepared for each examined Officer containing the medical provider's findings and evaluation as to the fitness for duty for the employee's current position.

If the licensed medical provider selected by the Commission certifies that a Park Police Officer has a condition that would impair satisfactory performance, or may jeopardize the health and safety of the officer or others, the Human Resources Director may recommend to the Department Head that the Park Police Officer be declared ineligible to continue in the Officer's current position.

660 Conditions of Employment

Because of special responsibilities in connection with his/her employment, a Department Head may require an employee to accept certain conditions of employment that are consistent with Commission policies, such as (but not limited to):

661 **Assignment of a Commission Vehicle**

An employee may be required to accept the assignment of a Commission vehicle on a partial day or a 24-hour per day basis, dependent upon the duties of the position.

662 **Occupancy of a Commission House**

An employee may be required to occupy housing on Commission premises, provided:

The residence is located in an area, park, or site where a significant portion of the employee's duties are performed; or

The residence is located in an area, park, or site where the Commission conducts a significant portion of its official responsibilities.

663 These conditions of employment shall be advertised (if it is an advertised position) and stated on a personnel action form signed by both the employee and the Department Head.

Chapter 700: Selection Procedures

710 Basic Concepts

All available Merit System positions shall be announced through the Commission's Employment Opportunity System.

All available positions may be filled by employment, promotion, reassignment, or change to a lower grade.

The Department Head and the Human Resources Director shall determine if a position will be advertised in media in addition to the Commission's Employment Opportunity System. If so, the media shall be appropriately suited to attract qualified applicants. All advertising shall comply with the Commission's Equal Employment Opportunity/ Diversity Management Program.

The desired qualifications for vacant positions shall be expressed in terms of necessary skills, abilities, and knowledge, and shall be consistent with the qualifications expressed in the applicable classification specifications.

When a vacancy is created, the position shall be reviewed to determine the appropriate class, level, and assignment prior to advertising.

The Executive Director shall issue administrative procedures, as necessary, to implement adopted policy on selection processes (see Commission Practice 2-10/Administrative Procedures 03-03, Recruitment and Selection).

720 Selection

721 All selection methods shall be job-related, valid, and practical. The Department Head and the Human Resources Director are jointly responsible for the development and approval of written examinations, skills tests, and other selection methods.

722 Various selection methods are used to evaluate the relative ability of applicants and employees. Selection methods include, but are not limited to: written examinations; performance or skills tests; interviews; evaluation of relevant training, education, experience, or past performance; and other methods.

723 The Department Head shall assure that all selection methods are administered fairly and equitably and in compliance with the Commission's Equal Employment Opportunity/Diversity Management Program, as well as applicable state and federal laws.

730 List of Applicants Eligible for Employment Consideration

The Human Resources Director shall prepare an eligibility list of applicants who meet the minimum qualifications for an advertised position. Consideration shall be given to the Commission's Equal Employment Opportunity/Diversity Management Program, as well as applicable state and federal laws. A Department Head may select from the eligibility list an applicant deemed best qualified for the position, as demonstrated through the selection process. If the Department Head does not select an applicant from the eligibility list, a new list shall be prepared by the Human Resources Director after re- advertising the position.

Chapter 800: Work Weeks; Work Schedules; Attendance

810 Work Weeks

The standard work week for Merit System employees shall be established by the Commission.

811 **Standard Work Week Hours**

811.1 Full-Time Employees: The standard work week is forty (40) hours and the standard work day is eight (8) hours.

811.2 Part-Time Employees: The work week for part-time Merit System employees is no less than one-half the standard work week assigned to full-time employees.

812 **Length of Work Week**

In accordance with Commission policy on overtime and the Fair Labor Standards Act, hours worked are tracked on a weekly basis. For this purpose, the work week begins on Sunday and ends on Saturday.

813 **Time Worked in Excess of the Standard Work Week**

Any authorized hours worked beyond the standard work week are subject to overtime compensation in accordance with the Fair Labor Standards Act and Commission policy (see Chapter 1200, Employee Compensation, Section 1260, Overtime Pay).

814 **Meal Periods**

Employees shall be allowed a meal period, the length of which will be determined by the Department Head and the minimum of which shall be one-half (½) hour.

Standard work week hours are exclusive of meal periods. Meal periods during normal work schedules may not be included in any computations used to determine the amount of regular pay, leave, or overtime due an employee.

820 Work Schedules

Work schedules for Merit System employees are established and approved by the Department Head. The Department Head shall maintain up-to-date work schedules that are reflective of work program needs of the unit and job duties assigned to employees under his/her supervision (see Procedures 19-02, Attendance and Time Cards).

821 **Alternate Work Schedules**

Work schedules may be flexible if assigned or approved by the Department Head. Authorized flexible work schedules utilizing flextime, compressed work weeks, or

other alternate work arrangements shall be adjusted to meet standard work week hours.

Department Heads must review alternate work schedules to ensure that the arrangement of standard work hours do not result in overtime compensation, additional premium pay, or greater leave benefits. Department Heads may modify or terminate alternative work arrangements to maintain the effectivenessof the Commission's work program and operations (see Commission Practice 2- 18 Work/Life Program).

830 Attendance

Regular and punctual attendance at work shall be required of all Merit System employees. Department Heads are responsible for ensuring punctual attendance of all employees under their supervision.

831 Merit System employees who fail to observe attendance requirements and procedures for recording and reporting of attendance are subject to appropriate disciplinary action by their Department Heads (see Chapter 1900, Discipline and Administrative Procedures 19-02, Attendance and Time Cards).

Chapter 900: Classification

910 Basic Concepts

911 Classification of positions shall adhere to the principles of equal pay for equal work. Positions shall be described, evaluated, and classified in terms of minimum required qualifications, assigned duties, and responsibilities pursuant to the Commission's Classification Plan. Positions that are similarly ranked within the Classification Plan will be placed in similar salary ranges. The Executive Director shall issue Administrative Procedures for the implementation of theClassification Plan. The Plan shall be implemented by the Human Resources Director.

911.1 The Classification Plan shall be approved by the Commission.

911.2 Amendments to the Classification Plan shall be reviewed by the Merit System Board and approved by the Commission.

912 The Classification Plan shall provide for the analysis and evaluation of positions on the basis of work-related job factors. The Plan shall provide for a listing of occupational classifications and the assigned pay grade for each class of positions.

913 Distinctions between position pay grades shall be in keeping with distinctions between the levels of relevant knowledge, skills, abilities, working conditions, and responsibility of the work performed.

914 Classification Plan shall support the management and administration of the Commission, specifically in the areas of: recruitment, motivation, and career advancement of employees; establishment of equitable wage and salary ranges; budget and financial planning; performance management; and organizational development and maintenance.

920 Responsibilities: Establishment, Implementation, Maintenance, and Amendment of the Classification Plan

921 Department Heads are responsible for ensuring that the overall assignment of duties and responsibilities to positions within their departments are in accordance with the Classification Plan. Assigned duties shall be reflected in the employee's performance expectations.

921.1 The Human Resources Director shall have the authority and responsibility for reclassifying an individual position or group of positions. Before a decision is rendered, the Human Resources Director shall consult with the affected Department Head for input. The Human

Resources Director shall be responsible for communicating the adopted Classification Plan and providing guidance on procedural inquiries regarding classification actions.

921.2 The Department Head may request a classification review in accordance with administrative procedures for classification actions issued by the Executive Director.

922 The Merit System Board shall recommend to the Commission a ClassificationPlan, which meets the basic concepts set forth in this Chapter. The Merit System Board shall review proposed changes to the approved Classification Plan and make recommendations to the Commission for amendments or revisions to the Plan. Pursuant to the Classification Plan, the Merit Board shall:

Approve all new or significant revisions to existing class specificationsand assign such classes to the appropriate grade level based upon the Commission's Classification Plan.

Abolish class specifications no longer current or needed upon recommendation of the Human Resources Director, which includes review by the appropriate Department Head(s).

Review the Classification Plan in its entirety and make appropriate recommendations to the Commission for amending or revising the Plan.

930 Classification and Reclassification of Positions

Whenever a Department Head or the Human Resources Director believes a position or class of positions is inappropriately classified, or an employee believes his/her position is inappropriately classified, a review shall be conducted in accordance with administrative procedures for classification actions issued by the Executive Director.

931 A classification action is the assignment of a position to a class title, grade, and description, which includes duties, responsibilities, and minimum qualifications.

932 A reclassification action is the reallocation of a position to a different class title, grade, and/or description. Reclassifications are caused by an increase, decrease, or change in the level of duties and responsibilities of a position.

A reclassification may result in a position being changed to a higher or lower grade, or remain at the same grade (see Chapter 1100, Promotion, Reassignments, Temporary Assignments, and Change to a Lower Grade; and Chapter 1200, Employee Compensation).

A reclassification to a higher grade is a non-competitive promotion, which results from a permanent increase in the duties and responsibilities of a particular position.

A reclassification to a higher grade should not occur until the employee has been in a position for a minimum of six (6) months. During this period, the employee shall consistently perform the duties and responsibilities of the higher grade and classification, and the bulk of the employee's duties shall be absorbed, administratively, into the new reclassified position.

A reclassification to another position at the same or similar grade is a reassignment/conversion, which results from a permanent change in duties and responsibilities to those at a similar level.

A reclassification to a lower grade results from a permanent decrease in the level of duties of a particular position wherein a lower grade and classification are warranted.

933 **Review and Approval of Classification Actions**

All classification actions shall be forwarded to the Human Resources Director for consideration and approval. Prior to consideration by the Human Resources Director, classification actions require the review of the Department Head.

Upon determination by the Human Resources Director, a decision on the classification action shall be issued to the Department Head. The Department Head shall communicate the decision to the affected employee(s).

Classification decisions of the Human Resources Director may be appealed to the Merit System Board (see Section 940, Appeal Rights).

934 **Effective Date of Classification Actions**

All classification actions must be reviewed by the Department Head prior to submission to the Human Resources Director for review and action.

For reclassification actions approved by the Human Resources Director within the first thirty (30) calendar days of receipt from the Department Head, the effective date of the action shall be the beginning of the first pay period following the approval date.

For reclassification actions approved by the Human Resources Director beyond the first thirty (30) calendar days of receipt from the Department Head, the effective date of the action shall be retroactive to the beginning of the first pay period following the thirtieth (30th) day of receipt.

The effective date for a classification action, which requires the creation of a new classification specification or revision of an existing classification specification, shall be the pay period following the date the specification is approved by the Merit System Board. In the event of a reclassification to a lower grade which results from the allocation of an employee to a newly approved classification specification, the provisions of Section 1252.1 shall apply.

The effective date for a classification action which is appealed to the Merit System Board and approved for an upgrade shall be the beginning of the first pay period following thirty (30) calendar days from the date it was received in the Human Resources Division.

940 Appeal Rights

An employee who is dissatisfied with the classification decision by the Human Resources Director may file an appeal with the Merit System Board in accordance with Chapter 2100, Appeals and Hearings.

In all cases, the Merit System Board's decision on reclassifications shall be final.

Chapter 1000: Performance Management

1010 Basic Concepts

The Commission is committed to promoting a productive work environment, facilitating excellence in employee performance, and fostering employee commitment to the agency. Employee work performance is managed and evaluated through the Commission's Performance Management Program.

The Performance Management Program requires communication between the evaluating supervisor and the employee to assure fair appraisal of work performance and to promote performance success for the employee, the work unit, and the Commission as a whole.

Exceptional performance should be recognized promptly. Similarly, deficient performance should be identified and employees informed on how corrective action can be achieved, as far in advance of the formal evaluation as possible. An employee who is not meeting the supervisor's expectations shall be given the opportunity to improve performance. Tools available to managers and employees include formal counseling/coaching and a structured Performance Improvement Plan, both of which are designed to assist employees in improving performance.

The Performance Management Program and any amendments to the Program shall be reviewed by the Merit System Board and approved by the Commission. The Executive Director shall issue administrative procedures for the implementation of the Program.

1020 Performance Management Program

Performance Management is an ongoing and systematic cycle of communication between supervisor and employee about performance expectations and how they will be achieved. This approach ensures that individual performance and development are aligned with work program needs and the strategic direction of the Commission. The process starts at the beginning of each rating period with the planning and identifying of performance objectives and standards, progresses through periodic assessment and adjustment, and culminates with the annual review and appraisal of how well objectives are being met (see Performance Management Program Manual).

1030 Performance Planning and Appraisal

The Performance Management Program shall set forth procedures for performance planning and appraisal. The Program shall include, but not be limited to, procedures for:

1031 Informing employees of job responsibilities, work program goals, and other job-related objectives, which must be met during the performance rating period;

1032 Performance counseling;

1033 Documenting employee progress;

1034 Anniversary performance evaluations;

1035 Action to be taken for satisfactory performance; and

1036 Corrective action to be taken for unacceptable performance, including formal counseling/coaching and a structured Performance Improvement Plan.

1040 The Performance Rating System

The Performance Management Program shall include a rating system, which reports an employee's performance with respect to identifiable and observable performance objectives. Separate rating levels shall be established to indicate how well the employee is achieving the supervisor's expectations for specific work results. Overall performance rating levels are defined as follows:

1041 **An overall performance rating level of "2**": Employee achieved results in the essential job functions and performance factors that fully met or exceeded supervisor's expectations.

1042 **An overall performance rating level of "1"**: Employee achieved results in the essential job functions and performance factors that fell short of fully meeting supervisor's expectations. Performance requires some improvement to bring the overall rating to a fully satisfactory level of "2."

1043 **An overall performance rating level of "0"**: Employee failed to achieve supervisor's expectations in the essential job functions and performance factors of his/her job. Performance is unacceptable and requires immediate and significant improvement.

1044 Specific guidance on the determination of overall performance ratings shall be described in the Performance Management Program Manual.

1050 Performance Evaluations for Newly Hired Probationary Employees

Upon completion of a twelve (12) month probationary period, a new hire probationary employee may be converted to career status upon attaining an overall performance evaluation rating level of "2" (see Chapter 500, Merit System Employees: Probationary and Career Status, Section 542, Probationary Period, and the Performance Management Program Manual).

1050.1 Probationary employees who are converted to career status shall be eligible for an anniversary increment on their one-year anniversary date, in accordance with Chapter 1200, Employee Compensation.

1050.2 A probationary employee who has not fulfilled the requirements of probation shall be dismissed from his/her position (see Chapter 500, Merit System Employees: Probationary and Career Status).

1060 Career Employees

All career employees shall receive, at least annually, a written performance evaluation and an overall performance rating level, as set forth by the Performance Management Program. The annual performance evaluation should be completed no later than thirty calendar days prior to an employee's anniversary date.

Interim performance appraisals may be conducted as deemed necessary by the supervisor.

1061 **Annual Evaluations for Career Employees**

1061.1 Career employees who receive an overall performance rating level of "2" at the time of their anniversary evaluation shall be eligible for an anniversary increment in accordance with Chapter 1200, Employee Compensation, Section 1290, Anniversary Pay Increment.

1061.2 Career employees who receive an overall performance rating level of "1" at the time of their anniversary evaluation shall be eligible for an anniversary increment in accordance with Chapter 1200, Employee Compensation, Section 1290, Anniversary Pay Increment.

Career employees who receive any consecutive overall performance rating level which is less than fully satisfactory (consecutive overall performance rating level of "1" and/or "0") at the time of their anniversary evaluation are not eligible for an increase and shall be placed on a Performance Improvement Plan. Employees are not eligible for an anniversary increment unless a rating level of "2" is received at the time of their next anniversary evaluation (see Section below).

1061.3 Career employees who receive an overall performance rating level of "0" at the time of their anniversary evaluation are not eligible for an anniversary increment and shall be placed on a Performance Improvement Plan (see Section 1061.4 below).

1061.4 Career employees who do not fulfill the requirements of a Performance Improvement Plan shall be removed from their position or dismissed (see Section 1063 and the Performance Management Program Manual).

1062 **Probationary Reviews for Competitive Promoted Career Employees**

Career Merit System employees who are competitively promoted to other Merit System positions shall serve a probationary period of six (6) months, pursuant to Chapter 500, Merit System Employees: Probationary and Career Status, Section 550, Probation Following Competitive Promotion of Career Employees.

At the conclusion of the established probationary period, an overall performance evaluation rating level of "2" must be attained to remain in the promoted position.

Employees who do not successfully complete the six (6) month probationary period with an overall performance rating of "2" shall be removed from their position (see Chapter 500, Merit System Employees: Probationary and Career Status, Section 550, Probation Following Promotion of Career Employees).

1063 **Performance Improvement Plan**

A Performance Improvement Plan is designed to assist career employees in improving identified performance deficiencies.

1063.1 A Performance Improvement Plan shall be instituted if a career employee receives:

1063.1.a An overall performance rating level of "0" at the time of the anniversary evaluation;

1063.1.b An overall performance rating level of "0" at any time during the performance cycle;

1063.1.c Any consecutive overall performance rating level which is less than fully satisfactory (consecutive overall performance rating level of "1" and/or "0") at the time of the anniversary evaluation.

1063.2 Performance Improvement Plan Period: Employees may be placed on a Performance Improvement Plan for a minimum of thirty (30) calendar days and a maximum of one-hundred eighty (180) calendar days. At the end of the Performance Improvement Plan period, the employee must attain an overall fully satisfactory performance rating level of "2." If an overall performance rating level of "2" has not been attained, the

employee shall be removed from his/her position or dismissed from Commission employment (see Performance Management Program Manual).

* 1070 Special Performance Evaluations and Assignment of Anniversary Dates *(as last amended June 17, 2020)*

1071 **Special Performance Evaluations**

A performance evaluation shall be completed under the following circumstances:

1071.1 Employee Changes Positions: When a Career Merit System employee moves to another Merit position within the Commission, the new supervisor may request that the prior supervisor evaluate the employee's performance or provide a copy of the employee's evaluation if it has been completed within the last six (6) months.

1071.2 Supervisor Changes Positions: Prior to a supervisor's position change within the Commission or separation from the Commission, s/he shall evaluate all employees under his/her supervision who have not been evaluated within the last six (6) months.

* 1072 **Assignment of Anniversary Date** *(as last amended June 12, 2024)*

A Merit System employee shall be assigned an anniversary date (month and day) which shall be one (l) year from the date of initial employment as a Merit employee. Attainment of career status shall be administered pursuant to Chapter 500, Merit System Employees: Probationary and Career Status.

Park Police officers shall be assigned anniversary dates as follows:

1072.1 A Park Police Officer appointed before June 24, 1979, shall be assigned an anniversary date (month and day) which shall be one (l) year from the date of initial employment as a Merit employee.

1072.2 A Park Police Officer appointed as a candidate after June 24, 1979, through February 1, 2002, shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of successful completion of Maryland State-mandated entrance level training for police.

* 1072.3 A Park Police Officer hired on or after February 2, 2002, through June 30, 2017, shall be assigned an anniversary date (month and day) which

shall be one (1) year from the date of initial hire as a Merit employee. *(as last amended June 12, 2024)*

* 1072.4 A Park Police Officer hired on or after July 1, 2017, shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of successful completion of Maryland State-mandated entrance level training for police. *(as last amended June 12, 2024)*

* 1072.5 For advanced entry officers, the anniversary date shall be on the date of hire. *(as last amended June 12, 2024)*

* 1073 **Reassignment of Anniversary Date Due to Extended Leave** *(as last amended June 17, 2020)*

1073.1 An employee who has been in an approved leave status of six (6) months or more in any one (1) anniversary year shall have a new anniversary date established so that a period of twelve (12) months in active Merit System employment has occurred. The twelve (12) month period shall take into account:

1073.1.a Any active duty prior to the employee's leave status.

* 1073.1.b Any military duty subsequent to the employee's leave status. (as last amended June 17, 2020)

* 1073.1.c Consistent with the Maryland Organ Donation Leave Act, up to 60 days (480 hours) leave to donate an organ and up to 30 days (240 hours) leave to donate bone marrow, pursuant Chapter 1600, Leave Status Programs, Section 1660, Maryland Organ Donation Leave Act. *(as last amended June 17, 2020)*

1073.2 Should an employee be in an approved leave status of twelve (12) months or more, a new anniversary date shall be established as one (1) year from the date of return to active Merit System employment status.

1080 <u>Responsibilities</u>

1081 Department Heads shall develop and maintain departmental procedures to: (a) assure timely completion of employee performance evaluation forms; and (b) periodically review the level of achievement of employees within work units for the purpose of helping to assure the equitable administration of the Performance Management Program.

1082 The Executive Director shall issue reports to the Commission, which monitor the compliance, timeliness and reporting requirements of the Performance Management Program.

1083 Department Head and supervisory reviews of performance evaluations shall exhibit quality, consistency and equity within each appraisal.

1090 Grievances and Appeals

1091 Performance evaluations and counseling forms are not grievable except in cases of alleged misapplication of established procedures.

1092 A career employee may not grieve or appeal placement on a Performance Improvement Plan. However, if a career employee is dismissed for reasons of performance, s/he may appeal directly to the Merit System Board (see Chapter 2100, Appeals and Hearings).

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Chapter 1100: Promotions, Reassignments, Temporary Assignments, And Changes to Lower Grade

1110 Basic Concepts

The Commission encourages promotion of qualified employees to vacant or new positions. All promotions shall be based on principles of merit and be consistent with the Commission's Equal Employment Opportunity/Diversity Management Program.

Promotional opportunities are available through competitive and non-competitive selections. A competitive promotion involves selection for a vacant or new position and adheres to the requirements and procedures set forth in Chapter 700, Selection Procedures. A non-competitive promotion may be made through reclassification of an employee's current position.

Competitive promotional opportunities involving new or vacant positions shall be announced through the Commission's Employment Opportunity System.

In filling positions through promotion, an employee's official personnel file may be reviewed.

1120 Competitive Promotions

1121 Merit System employees may apply for any announced vacant position.

1122 Competitive promotions to Merit System positions shall follow procedures set forth in the Employment Opportunity System and shall be in keeping with principles outlined in Chapter 600, Applications for Employment and Medical Examinations, and Chapter 700, Selection Procedures.

The Executive Director shall issue administrative procedures for the application methods, time frames, and selection to new or vacant positions (see Commission Practice 2-10/Administrative Procedures 03-03, Recruitment and Selection).

1123 Competitive promotions may include a salary adjustment in keeping with Chapter 1200, Employee Compensation, Section 1251.1, Competitive Promotions.

1124 **Selection Procedures for Park Police**

Promotional selections for Park Police shall follow the procedures outlined in the Park Police Promotional Testing and Evaluation System.

1130 Non-competitive Promotions

A Department Head, with concurrence of the Human Resources Director, may authorize a non-competitive promotion by reclassifying a qualified employee's position to a higher

grade and classification. Reclassifications shall follow the principles outlined in Chapter 900, Classification.

1131 Salary adjustments as a result of reclassifications to a higher grade shall be in keeping with Chapter 1200, Employee Compensation, Section 1251.3, Reclassification to a Higher Grade.

1140 Temporary Assignments

Subject to the availability of funds and work program needs, a Department Head may temporarily assign an employee to a vacant higher grade position for the purposes of performing the full duties and responsibilities of that vacant position, or to different duties for purposes of career development training.

1140.1 Department Heads shall report all temporary assignments to the Executive Director.

1140.2 A temporary assignment does not grant the employee any priority claim to the position for which s/he is fulfilling duties should the position be announced for competition.

1141 **Temporary Assignments at a Higher Grade**

A Department Head may temporarily assign an employee to perform in an acting capacity to fulfill the full duties of a higher grade position when the position is anticipated to be vacant for a period of not less than sixty (60) calendar days.

An employee who is assigned to an acting capacity to perform the duties and responsibilities of the higher grade must meet the minimum qualifications of the higher grade position.

Temporary assignments at a higher grade position shall include an adjustment in salary (see Chapter 1200, Employee Compensation, Section 1251.2, Temporary Assignments to a Higher Grade).

1141.1 Temporary assignments resulting from position vacancies, which are anticipated to last more than one year, shall have prior written authorization of both the Department Head and the Executive Director.

1141.2 Conclusion of Temporary Assignments at a Higher Grade

1141.2.a Upon the conclusion of a temporary assignment at a higher grade, the employee shall be reassigned back to his/her original position/grade, prior to the temporary assignment.

1141.2.b Temporary assignments at a higher grade shall end when an employee separates from active Commission employment, which include, but are not limited to, termination for cause, resignation, or retirement.

1142 **Temporary Assignments for Purposes of Career Development**
These temporary assignments provide training opportunities to gain knowledge, skills, and abilities related to different duties/assignments that are at the same or higher level than the employee's current position. Career development assignments do not require the existence of a vacant position but may be made through formal professional development opportunities/training programs. Temporary career development assignments may not exceed six (6) months.

1142.1 Career development assignments do not result in a salary adjustment to regular base pay.

1150 Reassignments
A reassignment is the movement of an employee from one position to another of the same/similar grade.

1151 Based on work program needs, reassignments may be made with or without competition. Non-competitive reassignments between departments require the approval of the respective Department Heads and the Human Resources Director and may be initiated at the request of management or the employee. Competitive reassignments are administered through the Commission's Employment Opportunity System (see Chapter 700, Selection Procedures).

1152 Reassignments are made without a change in salary (see Chapter 1200, Employee Compensation, Section 1253, Reassignment and Chapter 900, Classification, Section 930, Classification and Reclassification of Positions).

1160 Changes to Lower Grade
An employee may be assigned to a position of a lower grade for which s/he is qualified. Changes to a lower grade may result from reclassification actions, involuntary actions, or voluntary actions. Such changes may require change in pay pursuant to Chapter 1200, Employee Compensation and Chapter 1900, Discipline. Changes to a lower grade may be made for, but are not limited to, any of the following reasons:

1161 The position of an incumbent has been reclassified to a lower grade.

1162 An employee returns to work from authorized leave-without-pay and has waived rights to reinstatement as provided in Chapter 1500, Commission Leave.

1163 An employee voluntarily requests or accepts a change to a lower grade.

1164 An employee applies and is selected for a position of a lower grade for the purpose of a career change.

1165 As a result of a less than satisfactory performance rating at the conclusion of a mandatory Performance Improvement Plan or mandatory probation following competitive promotion (see Chapter 500, Merit System Employees: Probationary and Career Status, Chapter 1000, Performance Management, and the Performance Management Manual).

1166 As a result of a disciplinary action resulting from misconduct as outlined in Chapter 1900, Discipline, Section 1943, Change to a Lower Grade.

1167 An employee is unable to perform the essential functions or meet the minimum requirements of his/her position in a safe and satisfactory manner.

Chapter 1200: Employee Compensation

1210 Basic Concepts

The compensation plan for Merit System employees shall be based on the principle of equal pay for equal work and principles of public accountability. The compensation plan is designed to recruit and retain a competent and dedicated workforce. As a taxpayer-supported entity, the Commission has an ongoing responsibility to ensure the highest level of integrity in the establishment of compensation policies with regard to appropriate use of its resources.

Consistent with the Commission's funding ability, the compensation plan shall be revised periodically to maintain comparability with other public agencies.

Pay regulations shall comply with applicable federal and state wage laws. Overtime compensation will be granted in accordance with appropriate sections of these regulations and the Fair Labor Standards Act.

Distinctions in pay schedules shall be in keeping with the principles of the Commission's Classification Plan. Position pay grades shall reflect differences between the levels of relevant knowledge, skills, abilities, working conditions, and responsibility of the work performed.

Pay increases within a grade's pay range will be based on anniversary performance evaluation increments and any other pay adjustments as approved by the Commission.

To assure full compliance with these Merit System Rules and Regulations, Department Heads and the Human Resources Director shall review all pay actions. The Executive Director shall issue administrative procedures, as appropriate, to ensure consistent application of compensation policies.

1220 Pay Periods, Effective Dates, Deductions from Pay and Overpayments

1221 All employees shall be assigned to a bi-weekly pay schedule.

1222 The Commission establishes pay periods and effective dates for adjustments to the compensation plan.

1223 Regular deductions from pay will be made for those required by law, those approved by the Commission, and any other deductions authorized by the employee, as well as special deductions for indebtedness or salary garnishments.

1224 If an employee who is indebted to the Commission terminates his/her employment, the amount owed to the Commission may be deducted from compensation due the employee.

1225 Whenever it is determined by the Commission that an employee has received an overpayment in compensation, the Human Resources Division shall provide the employee with the facts and circumstances of the overpayment. The employee shall have ten (10) work days to respond to the notice of overpayment. The Commission will evaluate any response provided by the employee and take appropriate action. In the event that the Commission confirms that an overpayment has occurred, or is occurring, an immediate salary adjustment shall be made to correct the record. The employee will be provided a final written notice of the overpayment and options for repayment. The Commission must ensure compliance with the standards of public accountability, as governmental agencies have a responsibility to taxpayers to collect any and all overpayments.

1230 Pay Schedules

The Commission shall establish all necessary pay schedules to implement the Commission's compensation plan. The Human Resources Director shall be responsible for developing and maintaining all pay schedules.

All Merit System employees shall be appointed to positions at the grade and rate of the appropriate pay schedule.

1231 **Separate Pay Schedules**

Separate pay schedules shall be established in accordance with distinctions in the work performed and the appropriate Classification Plan. Pay schedules must specify the corresponding salary range and pay grade for all Commission positions.

* 1232 **Special Salary Ranges** *(as last amended May 21, 2014 and effective July 1, 2014)*

Special salary ranges and corresponding pay grades may be established for designated positions when it is determined through a salary study that the current salary range fails to attract qualified applicants or retain experienced workers and that other employers in the marketplace hiring for similar positions offer significantly higher salaries.

Special salary ranges/pay grades shall be applied to all persons in the class equitably and remain in effect only for as long as necessary to remain competitive. The Executive Director shall issue administrative procedures for the designation and operation of special salary ranges.

* 1232.1 Upon assignment to a special salary range/grade, a Merit System employee shall receive an increase in base pay resulting in salary that meets at least the minimum pay of the new pay grade. The new salary shall maintain the same percentage relationship to the midpoint rate of pay in the new pay range/grade that exists in the currently assigned position pay grade. *(as last amended May 21, 2014 and effective July 1, 2014)*

* 1232.2 When it is determined that a special salary range/grade is no longer necessary to attract qualified applicants or to retain experienced employees, the affected classes of employees will be returned to their original position/pay grades with no reduction in base salary.

If upon return to the original position, the employee's base salary from the special salary range exceeds the salary range of the original position, the employee shall retain his/her last base salary under the special salary range pay. The base salary may be retained for a period of two (2) years from the date of return to the original position. During this period, affected employees are not eligible for any increases to the base salary including, but not limited to, those resulting from cost of living increases and anniversary pay increments. At the end of two (2) years, an employee's base salary shall be placed at a rate in the original pay grade that is equivalent to his/her special salary range pay rate. In no circumstance may the employee retain a base salary that exceeds the maximum pay of the original evaluated grade (including any longevity entitlement). *(as last amended May 21, 2014 and effective July 1, 2014)*

1240 Salary Determination

An employee's salary is based upon the employment action that is being implemented.

* 1241 **Salary for New Hires upon Appointment to Position** *(as last amended May 21, 2014 and effective July 1, 2014)*

A new hire meeting only the minimum qualifications of a position shall be placed at the entry level pay rate for the appointed position.

The Department Head may authorize hiring of a new employee at a pay rate above the entry level if the applicant or employee possesses qualifications above the minimum for the position that warrant a higher pay rate commensurate with qualifications and experience.

* 1250 Pay Adjustments *(as last amended May 21, 2014 and effective July 1, 2014)*
The Executive Director shall ensure that compensation decisions uphold principles of equal pay for equal work.

The Executive Director may authorize necessary pay adjustments to maintain internal salary equity among employees while complying with the adopted compensation system. For pay adjustments involving an increase to an individual's base salary, the Executive Director may approve in exceptional situations, an increase greater than the standard amount established by Section 1250 and its subsections. In considering whether an exception should be approved, the Executive Director shall review written justification/supporting documentation from the Department Head and the Human Resources Director.

All adjustments shall uphold salary equity among employees in the same position. The resulting base salary after the adjustment (including any exceptions authorized by the Executive Director), must remain within the salary range of the position's grade. The Executive Director shall notify the Commission Chair and Vice Chair of all pay exceptions, including those affecting base salary adjustments and lump sum incentives.

* 1251 **Pay Adjustment as a Result of a Change to Higher Grade** *(as last amended May 21, 2014 and effective July 1, 2014)*

Upon moving to a position of a higher grade, an employee shall receive an increase in base pay, as stated below. However, the resulting salary shall not be less than the minimum or exceed the maximum of the new pay grade (plus longevity entitlement).

1251.1 Competitive Promotions: Upon promotion to a higher grade, an employee shall receive an increase in base pay of up to ten percent (10%).

1251.2 Temporary Assignments to a Higher Grade: A Department Head may temporarily assign an employee to perform in an acting capacity to fulfill the full duties of a higher grade position when the position is anticipated to be vacant for a period of not less than sixty (60) calendar days. Upon temporary assignment to a higher grade, an employee shall receive an increase in base pay of up to five percent (5%). (See Chapter 1100, Section 1141, Temporary Assignments at a Higher Grade).

The employment action shall indicate that the assignment at a higher grade is temporary, and that the employee shall return to his/her former position at the grade and salary held prior to the temporary assignment.

The salary shall be adjusted to the rate the employee would have earned had s/he continued in the position held prior to the temporary assignment.

1251.3 Reclassification to a Higher Grade: Upon reclassification to a higher grade, an employee shall receive an increase in base pay of up to five percent (5%).

1251.4 Pay Adjustments for Park Police: A Park Police employee upon promotion from Grade P6 (Lieutenant) through P8 (Commander) shall receive a pay increase of up to ten percent (10%).

1252 **Pay Adjustment as a Result of a Change to a Lower Grade**

1252.1 Reclassification of Position to a Lower Grade: Upon the reclassification of a position to a lower grade, an employee shall maintain the same pay rate in the lower grade, equal to the employee's current pay rate (inclusive of longevity entitlement).

If there is no such pay rate within the lower grade, the employee shall retain the higher pay rate at which s/he has been paid for a period of two (2) years from the effective date of the change to lower grade. During this two (2) year period, the employee shall not be entitled to increases in base pay including, but not limited to, cost-of-living increases and anniversary pay increments. At the end of the two (2) years, the employee shall then be placed at a pay rate in the lower grade, which does not exceed the employee's current pay rate or the maximum pay rate of the lower grade.

* 1252.2 Voluntary Change to a Lower Grade *(as last amended May 21, 2014; effective July 1, 2014)*: Upon Department Head approval, an employee may voluntarily change to a position of a lower grade to avoid a reduction-in-force, for reasons of career change, because of inability to perform at a higher level, or due to a disability. The employee may be paid at any rate in the lower grade, as long as it does not exceed the employee's current rate or the maximum of the lower grade. In no circumstance may an employee retain the current pay rate when it exceeds the maximum pay rate of the lower grade.

1252.3 Involuntary Change to a Lower Grade: A Department Head may move an employee to a position of a lower grade in connection with unsatisfactory performance or a disciplinary action. Involuntary

changes to a lower grade can result in a decrease in pay. The new pay shall be at any rate in the lower grade, not to exceed the employee's current rate or the maximum of that grade. The Executive Director must approve all involuntary changes (see Chapters 1000, Performance Management and 1900, Discipline).

1253 **Reassignment**

A reassignment is the movement of either an employee or a position to a different position of the same or equivalent grade. No increase in base pay shall be granted for reassignments. (See also Chapter 1100, Promotions, Reassignment and Change to Lower Grade, Section 1150, Reassignments).

1254 **Shift Differential Pay**

An employee who is assigned to a regularly established evening or midnight shift shall receive a shift differential for each hour worked on that shift. This shift differential shall be in addition to the assigned rate of pay for hours worked and is not in lieu of any other pay adjustments (such as overtime, premium pay, etc.). The Commission shall issue a schedule of shifts that shall receive a shift differential. The Commission shall set the rate of shift differentials.

1255 **Supplemental Pay for Active Military Duty**

A Merit System employee who is called to serve active military duty in the Armed Forces of the United States, National Guard, or Reserves is eligible to receive paid administrative leave pursuant to Chapter 1500, Commission Leave, Section 1538, Military Duty.

Upon exhaustion of available administrative leave benefits, an employee remaining on active duty may be eligible to receive from the Commission supplemental pay to compensation provided by the military.

1255.1 Supplemental pay shall be calculated using the employee's regular base salary, less any military compensation received while on active duty. Supplemental pay may be considered for a period not to exceed twelve (12) months of active duty, inclusive of any period in which administrative leave was granted.

Under no circumstances may supplemental pay be used to exceed an employee's base pay.

1255.2 Exhaustion of Supplemental Pay: Employees may be considered for approved leave-without-pay when benefits available under Section 1255, Supplemental Pay for Active Military Duty, and Chapter 1500,

Commission Leave, Section 1538, Military Duty, have been exhausted. Leave-without- pay is granted in accordance with Chapter 1600, Leave Status Programs, Section 1620, Leave-Without-Pay.

* 1256 **Salary Equity Reviews and Adjustments (Within Grade Adjustments)** (*Section added May 21, 2014 and effective July 1, 2014.):*

The determination of an employee's salary shall be based on principles of equal pay for equal work and salary equity.

Upon the discretion and initiation of the Department Head, a written request for a salary equity review may be made when there is a concern that an employee with comparable relevant skills, knowledge, experience, and/or abilities and demonstrated high level performance, is paid a significantly lower base salary than other employees within the same position classification.

If the position is unique, and/or does not have other employees in the same classification, the Department Head may request that the Human Resources Director expand the scope of the review to include other, similar positions in order to perform a meaningful salary equity comparison.

The Human Resources Director will conduct the salary equity review and determine whether an equity adjustment is warranted. If an adjustment is warranted, the Human Resources Director may recommend up to a 10% percent increase in base pay. In exceptional situations, pursuant to Section 1250, the Executive Director may authorize a higher adjustment in base pay. In all cases, the adjustment must remain within the salary range of the employee's position and grade.

1256.1 In order to be eligible for this equity adjustment, the employee must:

1256.1.a Be in a Merit System position;

1256.1.b Have successfully completed probation; and

1256.1.c Consistently meet all written performance expectations throughout the annual performance cycle and receive an overall rating of "2" or its equivalent on his/her most recent performance appraisal. In addition, the recommendation for the pay adjustment should be accompanied by a statement from the recommending official documenting the relevant performance achievements of the nominee that also serves to justify the proposed special salary increase.

1256.2 The effective date of the pay adjustment shall be the beginning of the pay period following the approval of the adjustment by the Human Resources Director.

1256.3 The amount of the salary adjustment is not appealable. Salary equity concerns which relate to hard to fill positions shall be addressed through Section 1232, Special Salary Ranges.

*1257 **Retention Incentive (Counter Offers)** *(Section added May 21, 2014 and effective July 1, 2014.)*:

For exceptional cases, when a Department Head and the Human Resources Director determine that an incumbent employee's departure would place an undue hardship on the agency, a retention incentive may be considered. In such cases, the requirements presented in subsections 1257.1-1257.5 must be met:

1257.1 The employee's continued employment in the position is deemed by the Department Head as critical to operations of key services. The employee must:

1257.1.a Have exceptional or unique skills, knowledge, experience, and/or abilities; and

1257.1.b Fulfill a critical need to the agency, thus making the employee's services essential to retain.

1257.2 The employee has a written or otherwise verifiable external offer of employment and is likely to leave the agency in the absence of a retention incentive. The potential employer cannot be another department, division, or unit within the M-NCPPC.

1257.3 The employee is in a Merit System position, has successfully completed probation, and has received an overall rating of "2" or its equivalent on his/her most recent performance appraisal.

1257.4 Use of a retention incentive is at the discretion of the Department Head and subject to the availability of funds. Each retention incentive must be reviewed by the Human Resources Director.

The requests for use of a retention incentive shall be initiated by the Department Head and presented in writing to the Human Resources Director.

The request must explain how the requirements of subsections 1257.1-1257.3 have been met. The Human Resources Director shall review the request and determine the appropriate amount of retention incentive for authorization before the Department Head presents the incentive to the employee.

1257.5 A retention incentive may be offered through an increase in base pay. In exceptional cases, a lump sum payment also may be considered. The retention incentive must meet all of the following requirements:

1257.5.a Base Pay Incentive - This incentive cannot exceed ten percent (10%) of the employee's current base salary.

In exceptional cases, an increase higher than 10% in base salary may be authorized by the Executive Director (see Section 1250). For all base salary increases, including exceptions granted by the Executive Director, the adjusted base salary must remain within the maximum of the pay grade for the employee's position.

1257.5.b Lump Sum Incentive - In instances where an employee's existing salary is already near the maximum of the pay range of his/her position, the Executive Director may authorize use of a lump sum payment that may be made in lieu of, or in addition to, a base pay increase.

Lump sum payments are not added to the employee's base salary. The amount of the lump sum shall be determined by the Executive Director with input from the Department Head and the Human Resources Director.

1257.5.c An employee who receives a retention incentive must agree to remain with the issuing department for at least two years after receiving the incentive. The employee will be required to repay a prorated amount of the total incentive if he/she leaves the department before the end of the two-year period. This requirement for repayment may be waived by the Executive Director for extenuating circumstances.

1257.5.d The total retention incentive cannot exceed the amount of the employee's documented job offer.

* 1260 Overtime Compensation (as last amended July 16, 2014)

Overtime compensation is granted for authorized hours worked beyond the normal work week or pay period. Overtime compensation may be granted through pay or earned Compensatory Leave subject to the provisions in this Chapter.

The availability of overtime compensation shall be authorized by the Department Head subject to availability of funding.

Overtime work must be approved by the Department Head or his/her designee. Approval of overtime work for positions at levels Grades K and 34 (or their equivalency and above must be carried out by the Department Head and may not be delegated below that level. Other than in extraordinary circumstances, approval must be obtained prior to an employee working overtime.

* 1260.1 All employees assigned within the same pay grade must be treated equitably with respect to the payment of overtime. (as last amended July 16, 2014)

* 1260.2 The Classification Plan shall identify by class specification, positions that are eligible to receive overtime, as defined by the Fair Labor Standards Act. Identification shall include designation of positions as non-exempt or exempt from overtime mandates under the Fair Labor Standards Act. (as last amended July 16, 2014)

* 1261 **Compensation for Hours Worked** *(as last amended July 16, 2014)*

* 1261.1 Part-time Merit System employees are regularly scheduled to work less than 40 hours per work week. All extra hours beyond the normal schedule must be approved by the Department Head or his/her designee. Subject to the determination of the Department Head and based on the availability of funds and work program considerations, employees may request either regular pay or Compensatory Leave (at straight time) for hours worked beyond their normal work week up to the fortieth (40th) hour. (as last amended July 16, 2014)

* 1261.2 Work that May Qualify for Overtime Compensation: Pursuant to the Fair Labor Standards Act, employees who hold positions classified as non- exempt from the Fair Labor Standards Act, receive overtime compensation at a rate of one and one-half (1½) for each authorized hour worked beyond forty (40) hours in a seven-day work week. See also Section 1262, Non- Exempt Employees. *(as last amended July 16, 2014)*

The Fair Labor Standards Act does not mandate overtime compensation for employees who are in positions classified as exempt. Exempt positions may or may not be eligible for overtime compensation, according to Commission policy. See also Section 1263, Exempt Employees. *(as last amended July 16, 2014)*

* 1262 **Non-Exempt Employees** (as last amended July 16, 2014)

Employees who are identified by the Fair Labor Standards Act as non-exempt shall receive overtime compensation in the form of overtime pay or Compensatory Leave. This overtime compensation shall be at a rate of one and one-half (1½) times the employee's regularly assigned hourly rate for each authorized hour of overtime beyond the fortieth (40th) hour in a workweek. The employee may request the specific form of overtime compensation; however, it is subject to Department Head approval based on the availability of funding and work program considerations. See also Section 1480 which addresses the administration of Compensatory Leave.

* 1263 **Exempt Employees** *(as last amended July 16, 2014)*

Pursuant to Section 1261, the Department Head may authorize overtime compensation for employees who are identified as "exempt" from the requirements of the Fair Labor Standards Act. Eligibility for overtime and the form of overtime compensation that may be granted is outlined in subsections 1263.1-1263.3. In all cases, overtime compensation may be granted only when authorized work hours exceed eighty (80) hours in the standard biweekly period and the extra hours cannot otherwise be flexed out in the same pay period.

Subject to work program needs, the supervisor should consider the use of flexing to permit an exempt employee to offset absences within the pay period. For example, if an individual is authorized to work extra hours that are anticipated to result in more than a total of 80 hours being worked by the end of the pay period, the supervisor may authorize the employee to use the extra hours for time off from other scheduled work hours in the same pay period.

* 1263.1 Exempt employees, including Park Police Lieutenants, assigned to the Merit System Pay Schedules at Grades I, 28 (or their equivalency) and below may be approved for Compensatory Leave at a rate of one (1) hour of leave for each hour of authorized overtime worked. In exceptional cases, a Department Head may grant overtime pay at a rate of either straight time, or time at one and one-half (1½), dependent upon work program needs and availability of funds. Overtime compensation may be considered only for authorized hours beyond 80 in a pay period that cannot otherwise be flexed. See also Section 1481 which addresses the earning of Compensatory Leave. *(as last amended July 16, 2014)*

* 1263.2 Exempt positions, including Park Police Captains, assigned to the Merit System Pay Schedules at Grades J, 30, and 32 (or their equivalency) may be authorized for Compensatory Leave at a rate of one (1) hour of leave for each hour of authorized overtime. These positions are not eligible for overtime pay. See also Section 1481.2.a, which addresses the earning of Compensatory Leave. *(Subsection added July 16, 2014.)*

* 1263.3 Employees who are assigned to the Merit System Pay Schedules at Grades K and 34 (or their equivalency) and above, including Park Police Commanders, are not eligible for overtime compensation in the form of overtime pay. In exceptional cases, Compensatory Leave at a rate of one (1) hour of leave for each hour of overtime worked may be granted only with Department Head approval. See also Section 1483 which addresses Limitations on the Earning of Compensatory Leave. *(as last amended July 16, 2014)*

* 1264 **Calculation of Hours Worked** *(as last amended July 16, 2014)*
For the purposes of calculating hours worked in a week, the time an employee is in an authorized leave with pay status or holiday leave status shall be counted.

*1265 **Alteration of Work Day or Work Week** *(as last amended July 16, 2014)*
Subject to the Fair Labor Standards Act and Commission policy, employees on alternate work schedules may request reasonable alterations to their standard scheduled work day or work week. The Department Head must ensure that the approved alternate work schedule does not, in itself, result in overtime compensation (see Commission Practice 2-18, Work/Life Program).

1266 Overtime pay at the rate of one and one-half (1½) times the assigned rate will not be granted until an eligible employee has worked at least forty (40) hours in a work week. For the purposes of calculating hours worked in a week, the time an employee is in an authorized leave-with-pay status or holiday leave status shall be counted.

1267 **Alteration of Work Day or Work Week**
Subject to the Fair Labor Standards Act and Commission policy, employees on alternate work schedules may request reasonable alterations to their standard scheduled work day or work week. The Department Head must ensure that the approved alternate work schedule does not, result in overtime compensation (see Commission Practice 2-18, Work/Life Program).

* 1270 Premium Pay (as last amended June 12, 2024)

A Merit System employee who is required to work onsite during an emergency closing shall be entitled to premium pay whether such time worked is within or outside the regular work week. Except for work performed on a Commission Holiday, essential employees who are required to telework during a declared emergency closing are not entitled to premium pay. Subject to Section 1260 (Overtime Compensation), such employees shall receive their regular rate if pay for all work during an emergency closing.

Employees who are required to work in an emergency shall be designated as "essential" by the Department Head. The Executive Director shall review departmental designations and may also designate specific positions within the Commission to respond to declared emergencies (see also Chapter 1500, Commission Leave, Section 1531, General Emergencies or Impending Emergency Conditions).

1271 Department Heads may declare **Local Emergencies** when a closing affects a limited service or facility within a department. An essential employee who is required to work onsite during a local emergency shall be paid:

1271.1 The regular rate of pay for all hours that fall within an employee's regularly scheduled work day; and/or

1271.2 The rate of one and one-half (1½) times the assigned rate of pay for all hours worked during the declared emergency that fall outside an employee's regularly scheduled work day.

1272 **Area-wide Emergencies** may be declared when there is a need to close the Commission or one or more entire departments within the Commission. The Executive Director shall coordinate the declaration of area-wide emergencies after consultation with the respective Planning Board Chair(s) for the affected area(s).

Essential employees who are required to work onsite during an area-wide emergency that affects their assigned department shall be paid:

1272.1 Two (2) times the assigned rate of pay for all hours worked during the declared emergency when the hours fall within an employee's regularly scheduled work day; and/or

1272.2 Two and one-half (2½) times the assigned rate of pay for all hours worked during the declared emergency which fall outside an employee's regularly scheduled work day.

1273 **General Emergencies** may be declared by the Executive Director with the approval of the two (2) Planning Board Chairs for emergency closings of the Commission due to catastrophic conditions. Catastrophic conditions include, but are not limited to: Unusually extreme weather such as a blizzard; epidemics, or civil disturbances. Essential employees who are required to work onsite during the emergency shall be compensated at a rate of two and one-half (2½) times for all hours during the declared emergency.

1274 **Emergency Work on a Commission Holiday**: Work performed onsite during any emergency which occurs on a Commission holiday shall be paid at the rate of two and one half (2½) times the employee's assigned rate of pay for all hours worked.

1280 Holiday Pay

Merit System employees are granted paid holiday leave for observance of a Commission holiday. Full-time employees are granted paid holiday leave for eight (8) hours. Part-time employees shall be granted paid holiday leave for five and one-half (5.5) hours.

If an employee is required to work on an official Commission holiday, a holiday work pay rate shall be granted. All work on a holiday must be approved by the Department Head and shall be compensated as described below:

1281 **Compensation for Employees Required to Work on an Official Holiday**

A Merit System employee who is required to work on an authorized holiday shall be compensated at a rate of two and one-half (2½) times the normal rate of pay for all hours worked on a holiday, regardless of whether such hours are within the standard work week hours.

1282 **Work on a Substitute Holiday**

Whenever an official holiday falls on a weekend and is celebrated by the Commission on the preceding Friday or the following Monday, the day it is celebrated is considered a substitute holiday (see Chapter 1500, Commission Leave, Section 1542.1, Substitute Holiday). A Merit System employee required to work on the official holiday, or the substitute holiday shall be compensated at the holiday pay rate.

1283 **Work on Both the Official and Substitute Holiday**

An employee who is required to work on both the official holiday and the substitute holiday shall be entitled to holiday pay for only one day.

1284 **Alternate Holidays for Approved Alternative Work Schedules**

When a Merit System employee is approved to work an alternative work schedule consistent with the Commission's Work/Life Program and a Commission holiday

is observed on the employee's scheduled day off, an alternate day off should be assigned within the same pay period in which the Commission holiday occurs. Full-time employees shall be granted eight (8) hours of holiday leave for the day on which the alternate holiday is taken. Part-time employees shall be granted five and one-half (5.5) hours of leave.

If holiday leave is used to take off an alternative work day, the employee may use his/her own accrued leave (annual/compensatory/personal) for all work hours which could not be worked beyond that which is covered by the holiday leave (see also Chapter 1500, Commission Leave, Section 1542.2, Alternate Holiday and Commission Practice 2-18, Work/Life Program).

1290 Anniversary Pay Increment

An anniversary pay increment must be earned on the basis of performance and is not granted automatically or solely on the basis of length of service. Career Merit System employees shall be considered each year for an anniversary pay increment. The amount of an anniversary pay increment is based upon an employee's performance and his/her current salary as compared to the maximum salary (including any longevity increment) range of the position's grade. Performance is evaluated and documented through the use of the Performance Management Program. An anniversary pay increment may be granted up to the maximum level (including any longevity increment) of the pay grade to which an employee is assigned.

1291 Merit System employees who receive an overall annual evaluation rating of "2" as defined by the Performance Management Program shall be granted up to a three and one-half percent (3.5%) increase in base pay. The amount of the increase shall be adjusted to ensure that the maximum salary (including any longevity increment) of the position's pay grade is not exceeded.

1292 Merit System employees who receive an overall annual evaluation rating of "1", as defined by the Performance Management Program, shall be granted up to a three and one-half percent (3.5%) increase in base pay. The amount of the increase shall be adjusted to ensure that the maximum salary (including any longevity increment) of the position's pay grade is not exceeded. Employees who receive a second consecutive overall annual evaluation rating of "1" are not eligible for an anniversary increment.

1293 Employees who receive an overall annual performance evaluation rating of "0", as defined by the Performance Management Program, are not eligible for an anniversary increment.

1294 Employees who reach the maximum pay level (including any longevity increment) of their position grade are not eligible for an increase in base pay.

1295 **Effective Date of Anniversary Pay Increment**
An anniversary pay increment is effective at the beginning of the pay period following the assigned anniversary date. For assignment of the anniversary date, see Chapter 1000, Performance Management.

Chapter 1300: Awards, Recognition, and Incentives

1310 Basic Concepts

The Commission recognizes employees as its greatest resource. The Commission values the innovation, commitment, dedication, and excellence shown by its employees both in and outside the work place. The Commission demonstrates its appreciation throughvarious recognition and awards programs. Employees may be honored by recognition programs on a Commission-wide or departmental basis.

1320 Performance Recognition Program

This program recognizes and rewards outstanding job performance demonstrated by individual employees or successful work teams. Employees may be recognized through both monetary and non-monetary awards for work results achieved at any time period during the fiscal year (see Performance Recognition Program Manual).

1321 The Performance Recognition Program shall be administered at the department level in accordance with Program guidelines adopted by the Commission. The Executive Director shall issue administrative procedures as appropriate for the implementation and record keeping of the Program.

1322 All employees are eligible for performance recognition awards.

1330 Recognition of Contributions Outside of Work Performance

Employees may be recognized through monetary and non-monetary awards for their innovative ideas or contributions outside of work performance, which are made to the Commission and its customers.

1340 Length of Service Awards

A length of service recognition award and appropriate certificate of service shall be awarded to each career employee upon completion of each five (5) consecutive years of satisfactory service.

1350 Incentive Programs

The Executive Director may establish monetary and non-monetary programs to accomplish mission-oriented goals of the Commission, provide incentives for accomplishment of critical organizational needs, and recognize employee commitment to professional development that directly benefit work programs of the Commission. The Executive Director shall issue administrative procedures on established incentive programs to ensure consistent application and approval of such awards.

1360 Acceptance of Honorary Awards

Merit System employees may accept honorary awards by a party other than the Commission in recognition of contributions made in the performance of official duties.

Acceptance of any monetary award shall be subject to approval by the Department Heador in the case of the Department Head, by the Planning Board or the Commission.

1370 Review of Awards Programs

Awards programs shall, from time to time, be reviewed by the Executive Director to assure that the granting and acceptance of awards is in full compliance with theseRegulations, established Commission policies, and any federal/state/local regulations.

Chapter 1400: Employee Leave: Personal, Annual, Sick, and Compensatory Leave

1410 Basic Concepts

Employee Leave is paid leave granted to or earned by Merit System employees. It consists of Personal, Annual, Sick, and Compensatory leave which may be taken for authorized absences during regularly scheduled work hours. An authorized supervisor shall approve Employee Leave.

Employees also may be granted unpaid leave for reasons provided in this Chapter. Authorized unpaid leave is called Leave-Without-Pay (LWOP) (see Section 1620, Leave-Without-Pay).

An absence without authority is considered an absence-without-leave (AWOL). Any employee who is AWOL shall be placed in a non-pay status and shall be subject to disciplinary action (see Chapter 1600, Section 1650, Absence-Without-Leave).

1420 Administration of the Leave Program

The Executive Director shall issue administrative procedures as appropriate, to ensure consistent application and the administration of the Employee Leave Program.

The Department of Finance shall develop pay period leave accrual and accumulation tables, and assure that each employee is credited with correct leave earnings and leave balances. The Department of Finance will issue and provide to departments, periodic statements of employees' leave balances.

Department Directors shall establish procedures for the administration of the leave program within the department consistent with Commission policy. The departmental policy shall include reference to the delegation of authority for the approval of leave usage and time cards.

Authorized individuals who certify time cards and leave reports are responsible for their accuracy.

1430 Eligibility for Employee Leave

Subject to Regulations which follow, a full-time career, part-time career, or probationary Merit System employee is entitled to be granted and use personal leave; to earn, accumulate, and use annual and sick leave; and to earn and use Compensatory Leave. Leave amounts may be pro-rated for part-time employees.

1440 Employee Leave Accrual

Except when specified otherwise, leave accrual is based on the number of standard work week hours designated within an assigned pay period. Overtime hours are not considered in the calculation of leave accrual.

For purposes of these Rules, leave accrual rates are based on a standard work week of forty (40) hours and a standard work day of eight (8) hours.

1450 Personal Leave

Personal leave is paid leave to be used for reasons personal to the employee including such activities as religious holidays or cultural observances, emergency business, and reasons listed under Section 1470, Sick Leave. Employees eligible under the Family and Medical Leave Act (FMLA) may apply personal leave towards FMLA-qualified events. Personal leave used for FMLA events will be considered FMLA leave and count against the FMLA leave entitlement (see also Chapter 1600, Leave Status Programs, Section 1640, Family and Medical Leave Status).

Use of personal leave requires prior approval.

* 1451 **Grants of Personal Leave** *(as last amended December 18, 2024)*

Upon completing twelve (12) months of employment as a Merit System employee, and each subsequent calendar year, a full-time Merit System employee shall be granted twenty-four (24) hours of personal leave, and a part-time Merit System employee shall be granted sixteen (16) hours of personal leave.

Part-time Merit System employees who change to full-time status shall receive an increase of eight (8) hours of personal leave, from sixteen (16) hours to twenty-four (24) hours on the effective date of the transfer.

1452 **Application for Use of Personal Leave**

1452.1 Personal leave is used at the employee's discretion upon prior approval of the Department Head.

1452.2 Personal leave shall be taken in minimum increments of one-half (½) hour.

1452.3 Personal leave may be used only after it has been credited to the employee's leave balance.

* 1453 **Limitations on Accumulation, Transfer, and Payment of Personal Leave** *(as last amended November 19, 2012, and effective January 1, 2013)*

Personal leave cannot be accumulated or transferred from year-to-year. Personal leave remaining unused after December 31st is forfeited.

Personal leave used by an employee to observe a personal holiday will not be considered an authorized Commission holiday for purposes of compensation.

1454 **Disposition of Personal Leave Upon Separation from Employment**
Unused personal leave is not paid upon termination or retirement from employment.

1460 Annual Leave
Annual leave is a type of paid leave benefit granted to Merit System employees. Annual leave may be used for vacation or other reasons personal to the employee without loss of pay. Annual leave may also be used for reasons listed under Section 1470, Sick Leave, including parental/family responsibilities.

Employees eligible under the Family and Medical Leave Act (FMLA) may use annual leave for FMLA-qualified events. Any annual leave used for an FMLA-qualified event will be considered FMLA leave and count against the FMLA leave entitlement (see Chapter 1600, Leave Status Programs, Section 1640, Family and Medical Leave Status).

1461 **Accrual Rates**
The rate of accrual for annual leave is based on the number of years of service with the Commission. The actual amount of annual leave granted is based on the total standard work hours that an active employee is in pay status within assigned pay periods.

1461.1 The annual leave accrual rates for full-time employees are as follows:

1461.1.a Less than three (3) years of completed service: up to one hundred and twenty (120) hours a year;

1461.1.b Three (3) years of completed service, but less than 15 years of completed service: up to one hundred and sixty (160) hours a year; and

1461.1.c Fifteen (15) or more years of completed service: up to two hundred and eight (208) hours per year.

1461.2 Part-time Merit System employees shall accrue annual leave on a pro-rated basis.

1461.3 For purposes of determining the annual leave accrual rate, employees shall be given the benefit of all Merit System service, even if there is a break in Merit System service.

1462 **Retroactive Service Credit for Term Contract Employees Hired to Merit System Positions**

A Term contract employee who is subsequently hired into a Merit System position is eligible to have up to one year of Term contract service credit applied toward the determination of his/her annual leave accrual rate. The employee shall receive the retroactive service credit providing the Term contract service was full- time and there was no break in service. The retroactive service credit shall be applied to the employee's accrual rate at the time of hire into Merit System status. The employee does not receive retroactive leave credits.

1463 **Application for Use of Annual Leave**

Except in emergency cases, employees shall apply for use of accumulated annual leave in advance. Annual leave shall be granted at such time as may be deemed in the public interest and convenient to the employee's department, subject to the following:

1463.1 Annual leave shall be granted in minimum increments of one-half (½) hour.

1463.2 Annual leave may be granted at any time following the pay period in which it is accrued.

* 1464 **Limitations on Accumulation and Transfer of Annual Leave** *(as last amended by the Commission September 26, 2018)*

Annual leave balances are not limited within a year; however, the maximum allowable accumulation of annual leave that may be transferred from one calendar year to the next is based on the employee's date of hire as provided in Section 1464.1. Annual leave which exceeds the maximum transferrable balance and remains unused after December 31 shall be transferred to sick leave, except as outlined in Section 1464.2.

* 1464.1 Maximum accumulation of annual leave that may be transferred from one calendar year to the next shall be handled as follows:

1464.1.a Employees hired prior to July 1, 2013, shall be able to transfer a maximum of four hundred and forty (440) hours. (Subsection last amended November 19, 2012)

1464.1.b Employees hired on or after July 1, 2013, shall be able to transfer a maximum of three hundred and twenty-five (325) hours. (Subsection last amended November 19, 2012)

1464.1.c Employees hired on or after January 1, 2019, shall be able to carry over a maximum of two hundred and forty (240) hours. (Subsection added September 26, 2018, and effective January 1, 2019.)

* 1464.2 Upon request of the employee, a Department Head may grant a delay in the transfer of excess annual leave to sick leave when the employee's use of annual leave could not be approved due to work program considerations. The employee shall submit to the Department of Finance, a copy of the Department Director's written approval. Except in emergency circumstances approved by the Department Director, notification shall be received by the Department of Finance by December 31. An approved delay will be in effect until April 30 of the new leave year. *(Subsection last amended November 19, 2012, and effective January 1, 2013)*

1465 **Disposition of Accumulated Annual Leave at Separation or Termination from Employment**

Upon cessation of Commission employment, Merit System employees shall receive a lump sum payment for accumulated annual leave at their current pay rate, including applicable longevity pay.

1465.1 Issuance of Leave Payment: There shall be a reasonable time for a clearance period from the effective date of separation until the issuance of an accrued leave payment.

1465.2 Withholding of Payment: Payment of accumulated annual leave shall be subject to necessary deductions from total payment when the employee fails to return uniforms, equipment, or other Commission property issued to the employee, or when the employee is otherwise indebted to the Commission.

Career Merit System employees may appeal payment withholdings of accumulated annual leave directly to the Merit System Board within

seven (7) calendar days after the employee has received official notification of such withholding. The filing of an appeal does not act as a stay of the action being appealed.

1465.3 Payment in the Event of Death: In the event of an employee's death, payment of accumulated leave shall be paid to the employee's designated beneficiary or estate.

* 1470 Sick Leave (as last amended June 16, 2021)

Sick leave is a paid leave benefit granted to Merit System employees.

* 1470.1 **For purposes of sick leave, a family member is defined as** *(subsection last amended June 16, 2021)*:

1470.1.a An employee's:

1470.1.a.1 Spouse;

1470.1.a.2 Domestic partner, who is an individual who meets the qualifications of the Commission's Health and Benefits Program;

1470.1.b An employee's or the employee's spouse's:

1470.1.b.1 (Biological/adopted/foster) parent or step parent;

1470.1.b.2 Caregiver who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor;

1470.1.b.3 Legal guardian;

1470.1.c An employee's:

1470.1.c.1 (Biological/adopted/foster) child or step-child;

1470.1.c.2 Child for whom the employee has legal or physical custody or guardianship;

1470.1.c.3 Child for whom the employee stands in loco parentis (in place of the child's parent) regardless of age;

1470.1.d A ward who has been legally placed under the care of the employee or the employee's spouse;

1470.1.e An employee's (biological/adopted/foster) grandchild or step-grandchild;

1470.1.f An employee's (biological/adopted/foster) grandparent or step-grandparent; or

1470.1.g An employee's (biological/adopted/foster) sibling or step-sibling.

Employees may request to use sick leave for any reason described below in subsections 1470.2 through 1470.3.

* 1470.2 Use of Sick Leave for the Employee's Own Illness, Injury, or Other Medical Care *(subsection last amended June 16, 2021)*

Sick leave may be used for:

1470.2.a Care or treatment of a mental or physical illness, injury, condition, or a non-work-related disability, which incapacitates and prevents an employee from performing the duties and responsibilities of the employee's assigned position. For serious illnesses or medical conditions, employees may be eligible to use other types of paid and unpaid leave in accordance with respective sections of these Regulations.

1470.2.b Medical, dental, or optical examinations and treatments.

1470.2.c Quarantine.

Use of sick leave taken for an employee's illness, injury, or other medical care may qualify for the Family and Medical Leave Act (FMLA). In such cases any qualified FMLA events shall apply toward any eligible FMLA leave status, see section 1470.4.

* 1470.3 Use of Sick Leave for Reasons Outside of the Employee's Own Illness, Injury, or Medical Care *(subsection last amended June 16, 2021)*

In a calendar year, an employee may request to use a combined total of up to four hundred and eighty (480) hours of sick leave, for any of the following reasons:

1470.3.a **To care for an ill or injured family member as defined in section 1470.1**: An employee may use any portion of up to four hundred and eighty (480) hours to assist family members in the care or treatment of a mental or physical illness, injury, condition or disability (including

quarantine); or, to obtain medical care, including, but not limited to, medical, dental, or optical examinations and treatments.

Use of sick leave taken to care for an ill or injured immediate family member may qualify for the Family and Medical Leave Act (FMLA). In such cases any qualified FMLA events shall apply toward any eligible FMLA leave status, see section 1470.4.

1470.3.b **An employee's parental responsibilities**: An employee may use any portion of up to four hundred and eighty (480) hours of accumulated sick leave for parental responsibilities including the birth or care of a newborn, adopted, or foster child. A Department Head also may approve sick leave in excess of four hundred and eighty (480) hours when medically necessary including reasons related to childbirth, or postnatal and prenatal complications of the maternal parent or newborn child (see also Chapter 1600, Leave Status Programs, Sections 1630, Parental Leave Status, and 1640, Family and Medical Leave Status).

Use of sick leave for parental responsibilities shall be applied toward any eligible Family and Medical Leave Act (FMLA) leave status.

1470.3.c **Domestic violence, sexual assault, or stalking**: An employee may use any portion of up to four hundred and eighty (480) hours of sick leave to address instances of domestic violence, sexual assault, or stalking committed against the employee, or to assist in such matters affecting the employee's family member or domestic partner. Sick leave may be requested for:

1470.3.c.1 Medical or mental health attention.

1470.3.c.2 Services from a victim services organization.

1470.3.c.3 Legal services or proceedings.

1470.3.c.4 Relocation due to the domestic violence, sexual assault, or stalking.

1470.4 Some uses of sick leave qualify as covered events under the Family Medical Leave Act and shall be applied to any leave status available under that Act, see section 1641.

Employees who are eligible under the FMLA may apply sick leave toward the twelve (12) work weeks of unpaid FMLA leave status.

Any sick leave taken for events covered by the FMLA will be considered FMLA leave and count against the total twelve (12) work week FMLA leave entitlement. The FMLA leave status runs concurrently with all other employee or Commission leave programs. Employees also may be eligible to take additional types of paid and unpaid leave inclusive of leave lengths available under the FMLA (see Chapter 1600, Leave Status Programs, Section 1640, Family and Medical Leave Status).

1471 **Accrual Rates**

A Merit System employee shall accrue a maximum of one hundred and twenty (120) hours of sick leave each calendar year, based on actual hours in pay status within an assigned pay period. Part-time Merit System employees shall accrue sick leave on a pro-rated basis.

1472 **Application for Use of Sick Leave** *(as last amended September 26, 2018)*

An employee who has prior knowledge that sick leave may need to be used shall make application for use of sick leave in advance.

An employee who is not able to report to work because of illness or injury shall be eligible to use accumulated sick leave. In such cases, the employee or person representing the employee shall notify the immediate supervisor or the supervisor's designee no later than fifteen (15) minutes after the expected starting time on the first day of absence. An employee who is assigned to a rotating schedule, an emergency maintenance team, or a Park Police Division shall notify his/her immediate supervisor or other appropriate employee (time keeper, dispatcher, etc.) no later than one-half (½) hour before the assigned reporting time. This notification shall begin on the first day of absence and thereafter as appropriate or requested by the supervisor.

Sick leave shall be granted unless the Department Head has cause to question the reason for the requested leave (see: Section 1472.3 and 1472.4, below for additional guidance).

1472.1 Sick leave shall be granted in minimum increments of one-half (½) hour.

1472.2 Sick leave may be granted at any time following the period in which it is accrued, except as listed under provisions for Section 1472.5, Advancement of Sick Leave.

1472.3 Medical Certification: A Department Head may require an employee to submit documentation from a licensed medical provider to validate or support any leave used for purposes of illness, injury, or medical examination/treatment.

An employee also may be required to present a certificate from a licensed medical provider when sick leave is taken for more than three (3) consecutive scheduled work days, when there is an unexplained pattern or usage of sick leave, or when its use qualifies under the Family and Medical Leave Act.

1472.4 Handling of Sick Leave Requests for Instances of Domestic Violence, Sexual Assault, or Stalking: *(Subsection added September 26, 2018.)* Discretion and sensitivity should be used in the handling of these leave requests. Review of such requests shall be conducted in coordination with the Employee and Labor Relations Office within the Department of Human Resources and Management, for guidance on the appropriate handling and approval.

Employees may also contact the Employee and Labor Relations Office directly to assist with the appropriate handling and review of these leave requests.

1472.5 Annual Leave Used as Sick Leave: Annual leave may also be used for personal illness after expiration of sick leave. Charges against annual leave will be made by the Department of Finance, unless specified to the contrary by the employee.

1472.6 Advancement of Sick Leave: In an exceptional case and with Department Head approval, an employee may be advanced up to a total of eighty (80) hours sick leave within any twelve (12) month period.

Advanced sick leave will be deducted from the employee's sick leave earnings upon return to duty.

Should the employee terminate employment prior to reimbursing the advanced sick leave, the unearned balance shall be deducted from the employee's final paycheck at the pay rate at the time of the advancement.

1473 **Accumulation of Sick Leave**

Sick leave not used during the leave year in which it is accrued shall accumulate and be available for use in succeeding years. There is no maximum accumulation for sick leave.

1474 **Disposition of Sick Leave Upon Separation from Employment**

1474.1 Unused sick leave is not paid upon termination from employment.

1474.2 Conversion to Retirement Service Credits: At retirement, a participant in the Employees' Retirement System or the State Retirement and Pension System of Maryland may be eligible to convert unused sick leave into retirement service credits as provided for in those plans.

1474.3 Donation of Unused Sick Leave: Upon termination, employees may donate up to forty (40) hours of accrued sick leave to the Employees' Sick Leave Bank. This amount may not be reinstated if the employee returns to a Merit System position as stated under Section 1475, Reinstatement of Sick Leave Balances Upon Reappointment.

* 1475 **Reinstatement of Sick Leave Balances Earned as a Merit System Employee, Upon Reappointment** *(as last amended September 26, 2018)*

An employee, who returns to a Merit System position within two hundred and fifty-nine (259) calendar days from the date of separation from employment, may have reinstated his/her prior sick leave balance, up to a maximum of one hundred and twenty (120) hours.

* 1476 **Reinstatement of Sick Leave Balances Earned as a Seasonal/Intermittent or Temporary Contract Employee, Upon Reappointment** *(Section added September 26, 2018.)*

A Seasonal/Intermittent or Temporary Contract employee, who is hired into a Merit System position within two hundred and fifty-nine (259) calendar days from the date of separation from employment, may have reinstated his/her prior sick leave balance, up to a maximum of eighty (80) hours.

1477 **Transfer of Accumulated Sick Leave Credits from Another Local Government Agency**

An employee who worked with a local or bi-county government jurisdiction within Montgomery County or Prince George's County may be eligible to transfer up to a maximum of one hundred and twenty (120) hours of accumulated sick leave upon appointment to a Merit System position.

1477.1 Employee requests for leave transfers shall be submitted in writing to the Human Resources Director.

* 1480 Compensatory Leave (as last amended July 16, 2014)

Compensatory Leave is paid leave which may be granted in lieu of payment for: authorized hours worked beyond the employee's regularly scheduled work hours; overtime pay; premium pay (emergency work pay); or holiday pay.

Compensatory Leave balances may be used to cover authorized absences from work while remaining in a paid leave status. The earning and use of Compensatory Leave must have prior Department Head approval. Approval of Compensatory Leave is subject to the availability of funds and work program considerations.

* 1481 **Earning of Compensatory Leave** *(as last amended July 16, 2014)*

* 1481.1 Hours Worked Within the Standard Work Week/Pay Period *(as last amended July 16, 2014)*:

Part-time Merit System employees shall be granted either regular pay or Compensatory Leave at straight time for all authorized hours worked in excess of their normal work week up to and including the fortieth (40th) hour. The form of compensation shall be determined by the Department Head subject to work program needs and funding.

* 1481.2 Hours Worked Beyond the Standard Work Week *(as last amended July 16, 2014)*:

Authorized hours worked beyond the employee's standard work period shall be compensated in accordance with Section 1260, Overtime Compensation. The following provisions address the amount of Compensatory Leave which is available in lieu of authorized overtime pay.

* 1481.2.a **Positions that are identified as "Non-exempt" under the Fair Labor Standards Act** *(as last amended July 16, 2014)*: Consistent with Section 1262 of the Merit System Rules and Regulations, non- exempt positions are compensated at a rate of one and one-half (1½) times their regular rate for all authorized hours worked beyond the standard work week of forty (40) hours.

Subject to the determination of the Department Head, the availability of funds, and work program considerations, employees receive overtime compensation at a rate of one and one-half (1½) through pay or Compensatory Leave. Compensatory Leave is earned at a rate of one and one-half (1½) hours of leave for each hour worked. These hours are compensated through overtime pay in accordance with Chapter 1200, Employee Compensation, Section 1260, Overtime Compensation.

* 1481.2.b **Positions that are "Exempt" from the Fair Labor Standards Act** *(as last amended July 16, 2014)*: Section 1263 of the Merit System Rules and Regulations describes exempt employee positions that may be eligible for Compensatory Leave as a form of overtime compensation. When Compensatory Leave is authorized, it is earned at straight time which is one (1) hour of leave for each authorized hour worked beyond the standard pay period of eighty (80) hours.

Consistent with Section 1263, in exceptional cases and subject to availability of funds, Department Heads may grant certain exempt positions overtime compensation through pay at either straight time or at one and a half (1½) times the employee's regular rate of pay. However, the Compensatory Leave option in lieu of pay is only available when overtime compensation is approved at straight time. Compensatory Leave in lieu of one and a half (1½) pay is not available to exempt positions. See also, Section 1483, Limitations on the Earning of Compensatory Leave, as they apply to positions at Grades K, 34, and 36 or equivalent.

* 1482 **Application for Use of Compensatory Leave** *(as last amended July 16, 2014)*
Use of Compensatory Leave balances shall be approved at such time as may be deemed in the public interest and convenient to the employee's department. Employees shall apply for use of Compensatory Leave in advance. Compensatory Leave shall be granted subject to the following:

1482.1 Compensatory leave shall be granted in minimum increments of one-half (½) hour.

1482.2 Compensatory leave may be granted at any time following the period in which it is earned.

1482.3 Subject to requirements of the Fair Labor Standards Act and the Family and Medical Leave Act, whenever an employee requests use of paid leave other than sick leave, the first use of leave shall be Compensatory Leave.

* 1483 **Limitations on the Earning of Compensatory Leave** *(as last amended July 16, 2014)*

Consistent with Section 1260 of the Merit System Rules and Regulations, employees holding positions at Grades K and 34 (or their equivalency) and higher, including Park Police Officers/Command staff shall not earn Compensatory Leave except when such leave is approved by their Department Head for exceptional situations.

Merit employees who are subsequently promoted to Grades K and 34 (or their equivalency) and above may exhaust any accrued Compensatory Leave balance. Upon separation from the Commission, a lump sum payment shall be administered in accordance with Section 1485, Payment of Compensatory Leave Upon Separation from Employment.

* 1484 **Limitations on Accumulation and Transfer of Compensatory Leave** *(as last amended July 16, 2014)*

* 1484.1 Compensatory Leave Earned by Employees "Exempt" from the Fair Labor Standards Act *(as last amended July 16, 2014, and effective December 31, 2014)*:

Authorized straight time Compensatory Leave balances are not limited within a calendar year. However, the amount of Compensatory Leave which may be transferred from one (1) calendar year to the next is one hundred and twenty (120) hours. This carryover maximum is effective December 31, 2014.

Unused Compensatory Leave in excess of one hundred and twenty (120) hours shall automatically be credited to the employee's sick leave account following the end of the calendar year. Section 1482 of the Merit System Rules and Regulations should be consulted regarding the required use of Compensatory Leave balances before other forms of accrued leave.

* 1484.2 Compensatory Leave Earned by Employees who are "Non-Exempt" from the Fair Labor Standards Act *(as last amended November 19, 2012, and effective January 1, 2013)*:

Compensatory leave earned at a rate of one and one-half (1 ½) hours, may not exceed an accumulated balance of eighty (80) hours during the calendar year.

Any excess Compensatory Leave hours that remain after December 31 shall be paid out in full to the employee. While leave is accrued at a rate of one and one half times, every hour that is accrued will be paid at the employee's regular rate of pay at the time of payout. Payment shall be made following the first pay period of the new calendar year.

1484.3 Employees who move to another position with a change in the Fair Labor Standards Act exemption:

1484.3.a An employee who moves from a position that is "non-exempt" to one that is "exempt" shall be required to receive a full payout of all accrued Compensatory Leave which was earned at a rate of one and one-half times (1½).

Compensatory leave hours earned at one and half times will be credited to an employee's leave balance at that rate. However, every hour that is accrued will be paid at the employee's regular rate of pay at the time of payout. The payout shall be effective the same pay period as the appointment to the exempt position.

1484.3.b An employee who moves from a position that is "exempt" to one that is "non-exempt" shall retain accrued Compensatory Leave earned as an "exempt" employee, consistent with the maximum described in Section 1484.1. Once the employee is appointed to a non-exempt position, Compensatory Leave earned at a rate of one and one-half times (1½) leave earned shall be tracked separately, consistent with Section 1484.2.

1485 **Payment of Compensatory Leave Upon Separation from Employment**

All Compensatory Leave which is eligible for payment shall be paid at the employee's regular rate of pay (straight time) for each hour accrued. In accordance with Section 1484 and the Fair Labor Standards Act, the following provisions apply:

1485.1 Compensatory leave earned at straight time:
An employee who separates employment in good standing or retires from the Commission shall receive payment for up to eighty (80) hours of his/her accumulated Compensatory Leave balance that was earned at a rate of straight time.

* 1485.2 Compensatory leave earned at a rate of one and one-half times (1½) *(as last amended July 16, 2014)*:

Consistent with the Fair Labor Standards Act, Compensatory Leave, which is earned by **non-exempt** employees for purposes of overtime compensation, shall be tracked separately from any Compensatory Leave earned at straight time.

All Compensatory Leave hours which are earned at a rate of one and one- half times (1½) must be fully paid upon separation from employment. Note: Compensatory Leave hours which are earned at a rate of one and one-half (1½) times will be credited to an employee's leave balance at that rate. However, every hour that is accrued will be paid at the employee's regular rate of pay in place at payout.

* 1485.3 Payment in the Event of Death *(Subsection added July 16, 2014.)*: In the event of an employee's death, his/her beneficiary or estate shall receive payout of all Compensatory Leave that was accrued as of the date of death.

Chapter 1500: Commission Leave: Work-Related Disability Leave, Administrative Leave, and Holiday Leave

1510 Basic Concepts

Commission Leave is authorized leave that is granted to one or more employees without altering their leave balances. Commission Leave may not be accrued for later use.

Commission Leave is granted under circumstances such as holidays, work-related disabilities, bereavement, military training, military furlough, active military duty, general emergencies, participation in Commission programs, investigations, jury duty, witness duty, and training.

1511 **Administration of the Commission Leave Program**

The Executive Director shall issue administrative procedures, as appropriate, to ensure consistent application and implementation of Commission Leave.

The Department of Finance shall develop pay period leave tables and assure that each employee's leave is tracked correctly. The Department of Finance shall issue and provide to departments periodic statements of employees' leave balances.

Department Heads shall establish procedures for the administration of the leave program within the department, consistent with Commission Practices/ Procedures. The departmental policy shall include reference to the delegation of authority for the approval of leave usage and time cards.

Authorized individuals who certify time cards and leave reports are responsible for their accuracy.

1512 **Eligibility for Commission Leave**

Subject to regulations which follow, an eligible Merit System employee may be granted paid Commission Leave when the use is approved by the Department Head.

For purposes of this Chapter, leave amounts are based on a standard work week of forty (40) hours and a standard work day of eight (8) hours. In sections where no hours are listed, employees may be eligible for leave amounts equivalent to the hours in their scheduled work day.

1520 Work-Related Disability Leave

Disability leave is paid leave granted to a Merit System employee who is temporarily disabled and cannot perform the essential duties of his/her job as a result of a workers' compensation injury or illness sustained directly in the performance of the work with the

Commission. Commission paid disability leave is granted in lieu of approved temporary wage reimbursements issued under Maryland Workers' Compensation Law.

Eligible employees may be granted workers' compensation disability leave with full pay, without charge to accrued leave balances, including annual, sick, personal, or compensatory leave.

Any disability leave granted for an illness or injury that qualifies under the Family and Medical Leave Act is considered FMLA leave and shall count against the FMLA leave status entitlement (see Chapter 1600, Section 1640, Family and Medical Leave Status).

Grants of disability leave are subject to all of the following provisions:

1521 **Injury/Illness is Job-Related**

The injury/illness was sustained directly in the performance of the employee's work at the Commission and is compensable as a temporary-total disability under the Workers' Compensation Law for the State of Maryland.

1522 **Alternate Job/Job Duties**

If the employee is temporarily incapacitated and cannot perform the regular and essential duties of his/her position, reasonable efforts shall be made to assign the employee an alternate job or job duties for the period of recuperation not to exceed six (6) months of light duty. If the Department Head and the Human Resources Director cannot find an available alternate job assignment, which can be performed in a safe manner, with or without reasonable accommodation, the employee shall be placed on disability leave consistent with Section 1525 and the determination of compensability for the absence under Maryland Workers' Compensation Law.

Refusal by the employee to accept an alternate assignment, as directed by the Department Head and approved by the Human Resources Director, shall result in the employee being ruled ineligible for disability leave and being placed in absence-without-leave status (see Section 1650, Absence Without Leave). In that event, the employee may not be granted any form of approved leave and shall be subject to disciplinary action, up to and including dismissal.

1523 **Certification of Disability**

The Human Resources Director shall select a licensed medical provider for determination and certification of disability cases, validity of job-related injury, and physical abilities to return to full, restricted, and/or limited duty.

1524 **Eligibility for Disability Leave**

Disability leave may be granted when a Merit System employee's injury/illness is determined compensable for lost time (temporary-total disability) under the Workers' Compensation Law for the State of Maryland.

1524.1 To be eligible for receipt of disability leave, the affected employee must:

1524.1.a Assign to the Commission, all workers' compensation checks for the covered period of temporary total disability; and

1524.1.b Apply for the Commission's long-term disability benefits within sixty (60) calendar days of the onset of the illness/injury. Failure to apply for long term disability in a timely fashion will result in the employee losing his or her right to workers' compensation disability leave for any period following the initial sixty (60) calendar days from the date of illness/injury.

1524.1.c Cooperate fully with the long-term disability application process and any return-to-work efforts made by the Commission or its workers' compensation and occupational health care providers.

1524.2 Payment of disability leave may not exceed the employee's normal salary. The employee shall be paid the difference between his or her base Commission salary and the amount of money received under Maryland Workers' Compensation Law.

Disability leave shall be coordinated for consistency with the Commission's Return to Work Program.

1525 **Grants of Disability Leave**

Disability leave may not exceed one hundred and twenty (120) calendar days for any one injury, except when additional specified amounts are recommended by the employee's Department Head and concurred by the Human Resources Director.

1525.1 Upon recommendation of a Department Head and concurrence of the Human Resources Director, grants of disability leave may be discontinued at any time such action is deemed to be in the best interest of the Commission.

1525.2 Grants of disability leave shall cease upon approval of benefits under the Commission's Long Term Disability Program.

Grants of disability leave shall cease when an employee either retires or reaches his/her normal retirement date, as defined in the applicable retirement plan.

The Human Resources Director shall keep the Department Head informed of the status of an employee's disability.

1526 **Subrogation**

When the accident, injury, or illness for which disability leave may be granted was caused under circumstances involving a legal liability of a third party, the Commission shall have the right of subrogation and the right to enforce for its benefit the legal liability of the third party under the conditions of and pursuant to the provisions of state law. Right of subrogation shall also include reimbursement to the Commission of any disability leave, which the employee received in payment by the legally liable third party.

1527 **Limitations on the Accrual of Sick and Annual Leave**

The accrual of sick and annual leave shall be suspended after an employee has been on disability leave for a period of more than ninety (90) calendar days.

1530 Administrative Leave

Administrative leave is paid leave that may be granted by the Executive Director or the Department Head to one or more employees without altering employees' accrued leave balances.

Notwithstanding other provisions of these Regulations, there shall be no crediting of compensatory leave or payment of overtime compensation to an employee during any period solely because one or more co-workers are on administrative leave. Merit System employees who are on approved paid or unpaid leave, including but not limited to, sick, annual, personal, or compensatory leave; disability leave; or leave-without-pay during the period when administrative leave is granted to other employees shall not be entitled to administrative leave.

Administrative leave may be granted for, but not limited to, the following reasons:

1531 **General Emergencies or Impending Emergency Conditions**

Emergencies shall include unhealthy or dangerous work environments within a Commission facility, emergency weather conditions, civil disturbances, or epidemics.

1531.1 During an emergency condition when Commission facilities are closed, affected Merit System employees shall be paid for all scheduled hours which were not worked due to the emergency and closing of facilities. Employees who are required to work during an emergency do not receive administrative leave for any hours worked during the closing. Instead, authorized work during an emergency shall be paid in accordance with provisions for premium pay (see Chapter 1200, Employee Compensation, Section 1270, Premium Pay).

1531.2 When an emergency condition develops after reporting to work and the work day is interrupted, a Merit System employee shall be paid administrative leave for the hours remaining in his/her scheduled work day.

1532 **Commission Approved Programs**

Administrative leave may be granted for participation in Commission approved programs, as designated by the Executive Director. Programs may include, but are not limited to: Employee Assistance Program; employee wellness and fitness programs; blood donation drives; disaster/emergency relief efforts; and Commission-sponsored career development programs.

Programs eligible for administrative leave must have prior approval of the Executive Director.

1533 **Training**

Administrative leave may be granted for participation in on-site and off-site training.

Participation in long-term or off-site training, conferences, symposiums, or conventions may be authorized when such training is commensurate with the business of the Commission and the employee's position.

Authorized participation in on-site training may be designated by the Department Head as part of the employee's regular work hours or as administrative leave.

1533.1 Administrative leave for training purposes may be granted up to full pay status, as approved by the Department Head. Leave shall only be granted when it is determined to be in the public interest and convenient to the employee's department.

1533.2 In cases where training or coursework is not sponsored by the Commission or authorized as part of the employee's work program, the

employee may be permitted to use his/her own accrued paid leave (annual, personal, or compensatory leave), or granted leave-without-pay, in accordance with corresponding sections in Chapter 1400, Employee Leave; Chapter 1500, Commission Leave; and Chapter 1600, Leave Status Programs.

1534 **Pending Investigation of Charges**

An employee who is alleged to have acted in a manner which could be cause for discipline may be placed on administrative leave for a period not to exceed thirty (30) calendar days or two hundred and forty (240) hours while the matter is being investigated. The Department Head shall use this time to investigate the allegations and, based upon the findings, make a final determination as to whether or not the employee should be disciplined.

1534.1 A Department Head may extend additional administrative leave in up to thirty (30) calendar day increments when it becomes evident that the investigation cannot be completed in the original thirty (30) day period (see also Chapter 1900, Discipline, Section 1944, Suspension).

1535 **Bereavement**

A Merit System employee may be granted administrative leave for up to three (3) scheduled work days in the event of death of the employee's father, mother, spouse, brother, sister, son, daughter, grandparent, legal guardian, mother-in-law, or father-in-law. Administrative leave may also be granted in the event of death of an employee's domestic partner, as defined under the Commission's Health and Benefits Program, or other relatives or spouses' relatives if living under the same roof as the employee at the time of death.

All requests for bereavement leave must be supported by appropriate documentation, as requested by the Department Head.

1536 **Jury Duty**

A Merit System employee serving as a member of any jury shall be permitted to be absent from Commission duty without loss of pay and without charge against any of the employee's accrued leave. The Department Head shall approve the request for administrative leave upon receipt of the notice for jury duty. The employee shall be allowed to retain all monies paid by the government for jury duty. Administrative leave for jury duty may be granted up to the number of hours in the employee's scheduled work day. If, after reporting for jury duty, it is determined the employee's services are not required for that scheduled work day, the employee is required to return to Commission duties for the remainder of the work day.

1537 **Witness Duty**

A Merit System employee who is subpoenaed to appear as a witness in a court action or Merit Board case in which the Commission is involved directly or indirectly may be absent from Commission duty without loss of pay and without altering the employee's accrued leave balances. The Department Head shall approve the request for administrative leave upon receipt of a copy of the subpoena.

The employee is required to return to the Commission for duty during any portion of his/her scheduled work day(s) when not required to be in court. Administrative leave for witness duty may be granted up to the number of hours in the employee's scheduled work day.

1537.1 In other cases in which an employee is subpoenaed to appear as a witness, the employee shall be permitted to use his/her own accrued paid leave or be granted Leave-Without-Pay in accordance with Chapter 1600, Leave Status Programs, Section 1620, Leave- Without- Pay, if the employee has insufficient accrued leave to cover such absence.

1538 **Military Duty**

Administrative leave shall be granted to a Merit System employee who is a member of the Armed Forces of the United States, National Guard, or Reserves and is required to be absent for military duty.

1538.1 Military Training: Administrative leave for military training may not exceed a total of fifteen (15) work days or one hundred and twenty (120) work hours in any one calendar year. It may be granted in a block of consecutive calendar weeks, separate weeks, or work days. Such leave shall be granted without loss of pay or altering the employee's accrued leave balances. The employee shall be allowed to retain all monies paid by the military for such duty.

Application for administrative leave for military training purposes shall be made immediately upon receipt of official notification from the military authorities. Employees shall submit requests for leave in writing, along with a copy of the official military orders. Employees shall be given preferential treatment in the granting of leave to fulfill military training obligations. For active duty in the military, see Chapter 1600, Leave Status Programs Subsection 1621.5, Military Furloughs.

1538.2 Active Duty: Effective September 11, 2001, Merit System employees (full or part-time) called to serve active military duty in the Armed

Forces of the United States, National Guard, or Reserves during a national emergency or presidential authority exceeding thirty (30) work days shall be granted a maximum of fifteen (15) days, or one hundred and twenty (120) work hours, of administrative leave per assignment. This amount shall be in addition to any administrative leave received for military training purposes as defined in Section 1538.1.

Employees shall submit requests for administrative leave in writing to the Department Head, along with a copy of their official military orders. The Department Head shall forward all requests for leave and copies of official orders to the Human Resources Director. Active military duty exceeding thirty (30) work days shall be administered in accordance with Chapter 1200, Employee Compensation, and Chapter 1600, Leave Status Programs.

1540 Holiday Leave (as last amended June 12, 2024)
Holiday leave is paid leave from a standard work day for observance of an official holiday.

1541 The official holidays for the Commission are:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Employee Appreciation Day	Fourth Friday in November
Christmas Day	December 25

The Commission has the authority to designate on an annual basis any additional day(s) as official paid holidays.

1542 **Observance of Commission Holidays**
Official holidays shall be observed on the calendar dates listed in Section 1541 above, except in the following cases:

1542.1 Substitute Holiday: When an official holiday falls on a Saturday, the preceding Friday shall be observed as a paid holiday. When an official holiday falls on a Sunday, the following Monday shall be observed as a

paid holiday. These holidays are identified as "substitute" official holidays.

1542.2 Alternate Holiday: When the official or substitute holiday falls on an eligible employee's scheduled compressed day off, the Department Head shall assign the employee an alternate day off as the holiday. A full-time employee shall receive eight (8) hours of holiday leave for the alternate day off. The alternate holiday should be in the same pay period in which the Commission holiday occurs. The work schedule shall be adjusted so total work week hours are not affected.

In situations that do not permit the granting of an alternate holiday within the same pay period, the employee shall be credited with compensatory leave for up to eight (8) hours. This leave should be used as soon as possible and no later than the end of the leave year.

Schedules involving approved work arrangements such as compressed work weeks, Flextime, and Telecommuting should also review Commission Practice/Administrative Procedures, Work/Life Program for relevant guidance on alternate holidays.

1543 **Employees Eligible for Holiday Leave**

Merit System employees who are normally scheduled to work the day on which a Commission holiday falls shall be granted paid holiday leave. To be eligible for holiday leave, employees must be in pay status on the last scheduled work day before and the first scheduled work day following the day on which the holiday is observed.

Employees on authorized paid leave during a period in which a legal or substitute holiday falls shall be considered on holiday leave with pay for that day. Employees on alternate work schedules shall be granted holiday leave in accordance with Sections 1542.2, Alternate Holiday and 1546, Compensation for Holidays.

1544 **Employees Not Eligible for Paid Holiday Leave**

Employees on leave-without-pay or absence-without-leave status on the last regularly scheduled work day before or the first regularly scheduled work day following a Commission holiday are not eligible for holiday leave.

1545 **Application for Holiday Leave**

The observance of an official or a substitute Commission holiday normally does not require advance approval. However, employees must receive approval from the

Department Head prior to taking an alternate holiday (see section 1542.2, Alternate Holiday).

1546 **Compensation for Holidays**

Full-time employees shall be granted holiday leave for eight (8) hours at their regular assigned pay rate. Part-time career employees shall be granted holiday leave for five and one-half (5.5) hours.

1546.1 Compensation for Employees Required to Work on an Official or Substitute Holiday: Employees who are required to work on an official or substitute holiday shall receive premium holiday pay at the rate of up to two and one-half (2½) times their regular assigned pay rate. Payment for all hours worked shall be administered in accordance with Chapter 1200, Employee Compensation.

Chapter 1600: Leave Status Programs: Leave-Without-Pay, Parental Leave, Family and Medical Leave, Absence-Without-Leave, and Leave Under the Maryland Organ Donation Leave Act

1610 Basic Concepts

Authorized leave status programs overlay some forms of Employee and Commission leave. Leave Status Programs cover periods of approved absences during which employees may use sick, annual, personal, compensatory leave, or leave-without- pay under the circumstances described below. Leave Status Programs include leave-without- pay, parental leave, and Family and Medical Leave. Employees are approved for leave subject to meeting eligibility requirements and prior approval from the Department Head.

Employees who are absent from work without authorization are considered to be in an absence-without-leave (AWOL) status. Any employee who is AWOL shall be placed in a non-pay status and shall be subject to disciplinary action (see Section 1650, Absence-Without-Leave).

1611 **Administration of the Leave Status Programs**

The Executive Director shall issue administrative procedures, as appropriate, to ensure consistent application and use of the Leave Status Programs. The Department of Finance shall develop pay period leave tables and assure that each employee's leave is tracked correctly. The Department of Finance shall issue and provide to departments, periodic statements of employees' leave balances.

Department Heads shall establish procedures for the administration of the leave within the department consistent with Commission Practices. The departmental policy shall include reference to the delegation of authority for the approval of leave usage and time cards.

Authorized individuals who certify time cards and leave reports are responsible for their accuracy.

1620 Leave-Without-Pay

Leave-without-pay is an approved absence from duty in a non-pay status. A Merit System employee may be granted leave-without-pay for reasons described in Section 1621, Granting of Leave-Without-Pay, with prior approval of both the Department Head and Human Resources Director. Leave-without-pay may be taken for events which qualify under the Family and Medical Leave Act (FMLA). As such, the leave-without- pay shall be considered FMLA leave and count against the 12-week FMLA leave period entitlement. Events that may qualify for FMLA are designated in Section 1621, Granting of Leave-Without-Pay, and Section 1640, Family and Medical Leave Status.

* 1621 **Granting of Leave-Without-Pay** *(as last amended June 17, 2020)*
Leave-without-pay can be granted under the following conditions:

1621.1 When the employee is seriously ill, injured, or disabled (see also Section 1640, Family and Medical Leave Status).

1621.2 The employee is required to be absent for the extended care of a seriously ill or injured dependent which may include a spouse; a domestic partner; a child up to the age of 18, older if disabled; or the employee's father or mother (see also Section 1640, Family and Medical Leave Status).

1621.3 For the birth, adoption, or foster care of the employee's child (see also Sections 1630, Parental Leave Status, and 1640, Family and Medical Leave Status).

1621.4 For education purposes, if successful completion of the course shall contribute to the work of the Commission.

1621.5 Military furloughs: Leave-without-pay may be granted to a member of the Armed Forces of the United States, National Guard, or Reserves, when ordered to active duty. Leave- without-pay may be used when an employee has exhausted benefits available under Administrative Leave for Military Duty and Military Duty Supplemental Pay (see Chapter 1200, Employee Compensation, Section 1255, Supplemental Pay for Active Military Duty; Chapter 1500, Commission Leave, Section 1538, Military Duty; Chapter 1600, Leave Status Programs, Sections 1624, Prior Use of Accrued Annual and Compensatory Leave; 1626, Reinstatement Rights from Leave-Without-Pay Status; and 1627, Leave- Without-Pay for Active Military Service).

1621.6 For cases in which the employee is subpoenaed to appear as a witness.

1621.7 Witness Leave: In cases that do not qualify for administrative leave, leave-without-pay shall be granted if the employee does not have sufficient accrued leave to cover such absence (see also Chapter 1500, Commission Leave, Section 1537, Witness Duty).

1621.8 All other reasons for leave-without-pay require review and approval of both the Department Head and the Human Resources Director, before leave can be granted to an employee.

* 1621.9 Maryland Organ Donation Leave Act leave: For the employee to serve as an organ or bone marrow donor consistent with the Maryland Organ Donation Leave Act (see also Section 1660, Maryland Organ Donation Leave Act). *(as last amended June 17, 2020)*

* 1622 **Application for Use of Leave-Without-Pay** *(as last amended June 17, 2020)*
Whenever leave is foreseeable, application for leave-without-pay shall be submitted in writing thirty (30) calendar days in advance, specifying the employee's reason for requesting such leave and stating his/her intent to return to Commission service upon expiration of such leave.

A Department Head may waive this requirement and approve leave-without- pay for a period not to exceed five (5) consecutive work days, or forty (40) work hours, when an unusual or emergency situation exists. In such cases, grants of leave-without-pay are approved by the Department Head, with the concurrence of the Human Resources Director.

Medical documentation may be required for leave-without-pay requests that are based on medical need.

* 1623 Limitation of Grants of Leave-Without-Pay *(as last amended June 17, 2020)*
Leave-without-pay may be granted in increments of up to sixty (60) work days, or four hundred and eighty (480) hours, not to exceed one (l) calendar year. Leave-without-pay amounts may be pro-rated for part-time Merit System employees, as determined by the Human Resources Director, after consideration of the employee's regular work hours and applicable laws pertaining to leave rights.

Employees who are receiving long-term disability benefits under the Commission's group insurance plan or are on leave for purposes of military furlough shall be considered in leave-without-pay status during the period of disability or military service. These employees are exempted from the one (1) calendar year limitation on grants of leave-without-pay.

* 1624 **Prior Use of Accrued Annual and Compensatory Leave** *(as last amended June 17, 2020)*

* 1624.1 A Merit System employee is not required to first use accrued annual or compensatory leave before being granted leave-without-pay in the following situations:

* 1624.1.a When requesting leave-without-pay for military furloughs, pursuant to Chapter 1600, Leave Status Programs, Section

1627, Leave- Without-Pay for Active Military Service). *(as last amended June 17, 2020)*

* 1624.1.b When requesting leave-without-pay for up to 60 days (480 hours) to donate an organ or up to 30 days (240 hours) to donate bone marrow, pursuant to Chapter 1600, Leave Status Programs, Section 1660, Maryland Organ Donation Leave Act. *(as last amended June 17, 2020)*

1624.2 In other cases, a Merit System employee shall first use all accrued annual or compensatory leave before being granted leave- without-pay, except as noted in Sections 1624.2(a) and 1624.2(b) below.

1624.2.a An employee who requests leave-without-pay because of his/her own illness, injury, or quarantine shall first use all accrued sick and compensatory leave before leave-without-pay may be granted. The employee may elect to use annual or personal leave prior to being placed on leave-without-pay, but is not required to do so.

1624.2.b An employee who requests leave-without-pay for reasons related to parental responsibilities such as maternity, paternity, or adoption shall first use thirty (30) work days, or two hundred and forty (240) hours, of accrued sick or compensatory leave before leave-without-pay may be granted. An employee may elect to use any additional accrued annual, sick, compensatory, or personal leave, but is not required to do so. An employee who does not have two hundred and forty (240) hours of accrued sick or compensatory leave shall be eligible for a grant of leave-without- pay when the employee's sick leave and/or compensatory leave has been exhausted (see also Sections 1630, Parental Leave Status and 1640, Family and Medical Leave Status).

* 1625 **Limitations on Accrual of Other Leave** *(as last amended June 17, 2020)*

* 1625.1 The time an employee is on authorized leave-without-pay shall be credited toward the years of service, which are used in determining the changes in the leave accrual rate. However, except as provided in Section 1625.2, an employee shall not earn annual, sick, or other types

of paid leave while in leave-without-pay status. *(as last amended June 17, 2020)*

* 1625.2 Consistent with the Maryland Organ Donation Leave Act, an employee shall earn annual, sick, and other types of paid leave for up to 60 days (480 hours) and/or up to 30 days (240 hours) while in an authorized leave-without-pay status to donate an organ or bone marrow, respectively. *(as last amended June 17, 2020)*

* 1626 **Reinstatement Rights from Leave-Without-Pay Status** *(as last amended June 17, 2020)*

When leave-without-pay is taken for reasons related to an employee's illness, injury, or disability, the Human Resources Director shall have the authority, after consultation with the Department Head and proper investigations including medical examination, to determine the qualifications of any inactive employee to perform the duties and responsibilities of the position for which the employee is seeking reinstatement.

Except for military furloughs when grants of leave-without-pay exceed sixty (60) work days, or four hundred and eighty (480) hours, within a twelve (12) month period, the Human Resources Director may require the employee to waive reinstatement rights and privileges to the employee's former position.

A waiver of reinstatement shall not be implemented while an employee is in an approved Organ or Bone Marrow Donation Leave status (see Section 1660, Maryland Organ Donation Leave Status) or Family and Medical Leave status (see Section 1640, Family and Medical Leave Status). Reasonable efforts shall be made to facilitate an employee's return to a former position or to an available position determined comparable by the Department Head, after consultation with the Human Resources Director. *(as last amended June 17, 2020)*

1627 **Leave-Without-Pay for Active Military Service/ Military Furlough**
A Merit System employee who is a member of the United States Armed Forces, National Guard, or Reserves, shall be placed in leave-without-pay status if ordered to active duty, except as provided for in Chapter 1500, Commission Leave, Section 1538, Military Leave and Chapter 1200, Employee Compensation, Section 1255, Supplemental Pay for Active Military Duty. To be considered for leave-without-pay, the employee shall provide to his/her Department Head a copy of the orders for active service.

1627.1 Reinstatement Requirements After Military Service: After honorably completing the period of obligatory military service, the employee shall be entitled to reinstatement to the former position occupied, or other position comparable to it, and shall not lose any rights accrued before activation, such as rate of pay, sick leave and annual leave, subject to the provisions hereinafter set forth in these regulations:

Employee is qualified to perform the duties of such position;

Employees make application for reinstatement immediately following release from such military service.

1627.2 Service Credits Upon Reinstatement: Upon reinstatement, the period of military service of an employee shall be added to the time employed by the Commission prior to military furlough to determine the overall length of service.

1627.3 Paid Leave Credits and Accrual Rates: Any annual and sick leave accumulated prior to the employee's military duty which falls under leave-without-pay status, shall be carried over upon the employee's return to active Commission duty. The time an employee is on authorized leave-without-pay shall be credited for the purpose of determining changes in the annual leave accrual rate. However, an employee does not earn annual leave, sick leave, or other paid leave while on leave-without- pay.

1628 **Continuation of Health Benefits During Leave-Without-Pay**

Employees may be eligible to continue in Commission-offered health benefits for up to six (6) calendar months in any consecutive twelve (12) month period in which leave-without-pay is granted. For health benefits to continue, the employee must contribute the employee portion of benefit costs. Employees are responsible for submitting contributions that could not be paid through payroll deduction directly to the Commission.

The six (6) month maximum does not apply when leave-without-pay status has been approved under the Commission's long-term disability program, military furlough, or Family and Medical Leave (see Sections 1621.5, Military Furlough and 1640, Family and Medical Leave Status).

The Executive Director shall issue administrative procedures, as appropriate, to ensure consistent application and use of health benefits for employees in leave-without-pay status.

1628.1 The Human Resources Director shall be responsible for notifying affected employees of the benefit programs in which they are entitled to remain enrolled, employee contributions due to the Commission, and the procedure for making such payments.

* 1630 Parental Leave Status (as last amended September 26, 2018)

1631 Merit System employees may be placed on approved leave status for parental responsibilities including maternity, paternity, adoption, or foster care as described below. During this leave status, employees may request use of any portion of the up to four hundred and eighty (480) hours of sick leave an employee may use each calendar year for reasons provided in §1470.3.b; or may request use of leave-without-pay. *(as last amended September 26, 2018)*

Use of sick leave for parental responsibilities shall be applied toward any eligible FMLA leave status. Additional paid leave or leave-without-pay can be granted if the Merit System employee applied for and qualifies under the Family and Medical Leave Act (see Section 1640). A Department Head also has discretion to approve, on a case-by-case basis, longer leave durations if the absence would not cause unmanageable disruptions to the employee's work program or services.

1631.1 In all cases, leave for parental responsibilities shall be taken within twelve (12) calendar months from the birth of the child, or from the placement of an adopted or foster child.

1631.2 Any leave taken for parental responsibilities will count against the twelve (12) work week leave period allowable under the Family and Medical Leave Act, subject to Section 1640 (Family and Medical Leave Status). *(as last amended June 12, 2024)*

1632 Parental Leave may be approved for the following events:

1632.1 Maternity: A Merit System employee may use parental leave for reasons of pregnancy, childbirth, miscarriage, abortion, or to care for her newborn child, including prenatal or postnatal care.

1632.2 Paternity: A Merit System employee who is the paternal parent may request parental leave to care for his newborn child, including prenatal and postnatal care. Parental leave may also be taken to care for the maternal parent's pregnancy-related disabilities or childbirth.

1632.3 Adoption or Foster Placement: An employee may request parental leave for the adoption or foster care placement of a child. The employee shall furnish proof of the placement for the intended adoption or foster care of a child up to the age of 18, or older if disabled, and demonstrate that the employee is the person primarily responsible for providing care to the child.

1633 Employees may apply to use the following types of paid leave and leave- without pay during Parental Leave status. Types of leave applied shall be administered in accordance with respective sections of the Merit System Rules and Regulations.

1633.1 Paid Leave:

* 1633.1.a Up to four hundred and eighty (480) hours of sick leave. Greater amounts may be approved when medically necessary subject to Section 1640 (Family and Medical Leave Status) *(as last amended June 12, 2024)*;

1633.1.b Accumulated annual leave;

1633.1.c Accumulated compensatory leave;

1633.1.d Available personal leave; or

1633.1.e Leave available under the Employees' Sick Leave Bank Program, if eligible.

1633.2 Leave-Without-Pay: An eligible employee wishing to take authorized leave-without-pay, shall first use the following leave balances, if available:

1633.2.a Two hundred and forty (240) hours of sick leave; or

1633.2.b Two hundred and forty (240) hours of compensatory leave.

1634 **Application for Parental Leave Status**

When foreseeable, application for parental leave shall be submitted in writing thirty (30) calendar days prior to the commencement of leave. A request shall be accompanied by a verifying medical certification from a licensed medical practitioner. All leave requests shall be approved by the employee's Department Head.

* 1640 Family and Medical Leave Status *(as last amended June 12, 2024)*

In accordance with the Family and Medical Leave Act (FMLA), employees may be eligible for up to twelve (12) work weeks of unpaid leave in a twelve (12) month eligibility period for FMLA-qualifying events. Spouses who work for the agency each receive up to twelve 12 work weeks of FMLA leave per twelve (12) month eligibility period for the birth of a child, placement of a child with the employee for adoption or foster care, and care for a parent with a serious health condition. Additionally, spouses who work for the agency each receive up to twenty six (26) work weeks of FMLA leave to care for a military family member with a serious injury or illness.

A "rolling" twelve (12) month period is used to determine eligibility for available FMLA leave. More specifically, the twelve (12) months are measured backward from the date of the employee's most recent FMLA leave request. Each time an employee requests FMLA leave, the request is considered for the balance of the twelve (12) week leave entitlement that was not used during the immediately preceding twelve (12) months.

Any part of the FMLA status may be substituted with paid leave or leave- without-pay as governed by Chapter 1400, Employee Leave; Chapter 1500, Commission Leave; and Chapter 1600, Leave Status Programs. As such, the FMLA leave runs concurrently with all leave programs offered by the Commission for events that qualify under the FMLA.

Specific guidance on the administration of leave taken under the FMLA shall be set forth by the Executive Director.

* 1641 **Eligibility for FMLA Leave Status** *(as last amended November 18, 2015)*

The FMLA coverage is available to all employees who have met the following minimum service and work hour requirements:

1641.1 Twelve (12) months of employment service with the Commission, not necessarily consecutive; and

1641.2 Twelve hundred and fifty (1,250) hours worked during the twelve (12) month period immediately preceding the start of the leave.

* 1642 **Qualified Events** *(as last amended June 12, 2024)*

Except as provided in section 1642.5, FMLA may be granted for any of the following events. During the leave status, employees may use eligible types of paid leave and leave-without- pay listed for the following events.

1642.1 Parental responsibilities including the birth, adoption, or foster care of a child of the employee up to the age of 18, older if disabled: Subject to Section 1640 (Family and Medical Leave Status), employees may offset

the 12-week FMLA unpaid leave entitlement with eligible types of paid leave and leave-without- pay available for parental responsibilities (see Section 1630).

* 1642.2 Care of a seriously ill or injured dependent: Leave may be taken to care for a seriously ill or injured dependent which includes the employee's spouse, domestic partner, parent, or child up to the age of 18, or older if disabled. Subject to Section 1640 (Family and Medical Leave Status), employees may apply the following types of paid leave during the FMLA leave status: any portion of up to four hundred and eighty (480) hours of sick leave per calendar year, and any accumulated annual leave, compensatory leave, or personal leave. An employee wishing to take authorized leave-without-pay shall first use accrued annual and compensatory leave. *(as last amended June 12, 2024)*

1642.3 Care of the employee's own serious illness or injury: Employees may offset the unpaid FMLA entitlement with paid accrued sick, annual, compensatory, or personal leave. Disability leave, Workers' Compensation, or the leave under the Sick Leave Bank Program may also be used if eligible. Employees who wish to take leave-without-pay shall first use all accrued sick and compensatory leave.

1642.4 Care or comfort of a military service member (qualifying exigency and military caregiver leave): Employees may use the twelve (12) week leave entitlement to address certain qualifying exigencies when a spouse, domestic partner, son, daughter, or parent is on covered active duty or is called to covered active duty status. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Subject to Section 1640 (Family and Medical Leave Status), the FMLA also includes a special leave entitlement that permits eligible employees up to 26 weeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness. *(as last amended June 12, 2024)*

* 1642.5 Organ or Bone Marrow Donation Leave cannot be counted against an employee's FMLA leave entitlement, consistent with the Maryland Organ Donation Leave Act. (See Section 1660.) *(as last amended June*

17, 2020)

1643 **Application for FMLA Leave Status and Approval Authority**

Employees shall provide thirty (30) days' notice for placement on FMLA status when leave is foreseeable. FMLA leave status may be requested on a continuous or intermittent basis when medically necessary.

A Department Head may also initiate placement of an employee on FMLA status when it is known the reasons why paid or unpaid leave is being used, if the situation qualifies as a covered event under the FMLA and the employee has met FMLA eligibility requirements.

1643.1 All Family and Medical Leave requests shall be approved by the Department Head.

1643.2 Requests for leave shall be accompanied by a certificate of need from a licensed medical practitioner. Verification of need shall be administered pursuant to Commission leave policies and federal/state laws governing the FMLA.

1650 Absence-Without-Leave

Absence-without-leave (AWOL) is an unauthorized and unpaid status wherein the employee is absent from duty without prior approved leave. An employee who is absent without authorization is subject to disciplinary action and may be terminated for abandonment of position under the authority contained in Chapter 1900, Discipline, and Chapter 2300, Termination of Employment. Absence-without-leave may be converted to annual, sick, compensatory, personal, or leave-without-pay upon recommendation of a Department Head and approval of the Human Resources Director with acceptable proof that the absence was due to circumstances beyond the employee's control.

* 1660 Maryland Organ Donation Leave Act *(as last amended June 17, 2020)*

* 1661 **Available Leave**

In accordance with the Maryland Organ Donation Leave Act (Prohibition on Discrimination by Insurer and Unpaid Leave), employees may receive the following unpaid leave in any twelve (12) month period:

* 1661.1 Up to 60 days (480 hours) to serve as an organ donor, and

* 1661.2 Up to 30 days (240 hours) to serve as a bone marrow donor. Any part of unpaid leave under the Maryland Organ Donation Leave Act may be substituted with paid leave, as governed by Chapter 1400, Employee Leave; Chapter 1500, Commission Leave; and Chapter 1600, Leave Status Programs.

* 1662 A "rolling" twelve (12) month period is used to determine eligibility for available Maryland Organ Donation Leave Act leave. More specifically, the twelve (12) months are measured backward from the date of the employee's most recent Maryland Organ Donation Leave Act leave request.

Each time an employee requests Maryland Organ Donation Leave Act leave, the request is considered for the balance of the 60 or 30 day leave entitlement that was not used during the immediately preceding twelve (12) months.

* 1663 Maryland Organ Donation Leave Act leave is in addition to leave offered under the Family Medical Leave Act (FMLA). Therefore, such leave cannot be counted against an employee's FMLA leave entitlement.

* 1664 **Eligibility**

Leave under the Maryland Organ Donation Leave Act is available to all employees who have met the following minimum service and work hour requirements:

* 1664.1 Twelve (12) months of employment service with the agency, not necessarily consecutive; and

* 1664.2 Twelve hundred and fifty (1,250) hours worked during the twelve (12) month period immediately preceding the start of the leave.

Chapter 1700: Employee Personnel Files

1710 Basic Concepts

The personnel records of a Merit System employee and all other records and materials relating to the administration of the Merit System shall be considered confidential property of the Maryland-National Capital Park and Planning Commission. The Human Resources Director shall prescribe the form and scope of the official personnel files, consistent with these Rules and Regulations, and shall have custody of such files.

An employee's official personnel file shall at all times be appropriately safeguarded against unwarranted use or removal from the Human Resources Division. The Commission shall determine the time limits that personnel records shall be maintained, consistent with applicable state and federal laws.

1720 Composition of an Employee's Official Personnel File

1721 **Employee's Official Personnel File**

1721.1 It is the policy of the Commission to compile and maintain an accurate personnel file on each employee, containing the employee's employment application and related documents, personnel action forms ("PA-2's"), performance evaluations, records of any disciplinary actions and other documents which are directly related to the employee's performance and duties. The Human Resources Director shall make available to the employee, the contents of his/her official personnel file.

1721.2 The Human Resources Director shall be responsible for the security and confidentiality of the employee's official personnel file.

1730 Examination of an Employee's Official Personnel File

An employee's personnel file may be inspected at reasonable times and in accordance with procedures as prescribed by the Human Resources Director with the following conditions:

1731 Upon request by a Merit System employee or the employee's designee, and in the presence of the Human Resources Director or a designee in the Human Resources Division, the employee's official personnel file shall be made available with all material contained for his/her own review.

1732 The personnel file of an employee shall be made available for confidential use to a Department Head or designee when needed in connection with a potential action for promotion, reassignment, demotion, dismissal, or other personnel action; to the

Merit System Board, to the Executive Director or staff designated by the Executive Director, or to the attorneys in the Office of the General Counsel when needed in connection with an adverse action or grievance or other relevant matter requiring this information; and to official investigatory agencies, as defined in state law, after a determination by the Human Resources Director that suchdisclosure is in the Commission's interest.

1733 Only the name, class title, dates of employment, and salary of an employee or a former employee may be released as public information.

1740 Departmental Personnel File

1741 A departmental personnel file shall contain information relevant to an employee's performance, training, and development necessary for effective program level operation.

1742 An employee shall have the right to full knowledge of the contents of, and have accessibility to, his/her departmental personnel file.

1743 A Department Head shall be responsible for the security and confidentiality of departmental personnel files.

1750 Employee Medical File

The Human Resources Division shall maintain the official medical records of Merit System employees and shall be responsible for the security and confidentiality of these employee medical records. The only authorized persons to have access to these files shallbe the Executive Director or designee. An employee shall have access to his/her own medical file. Medical records shall be maintained separately from the employee's official personnel and departmental files.

1760 Employee Right to Respond or Comment

An employee has the right to respond or comment, in writing, to any document or statement in his/her official or departmental personnel file. Such response or comment shall be placed in the file.

1770 Removal of Disciplinary Actions

Upon written request by an employee and with the concurrence of the Department Head, the Human Resources Director shall remove from the employee's official personnel file all disciplinary notices or actions that did not affect the employee's pay, grade, benefits, or employment status. Removal of applicable disciplinary notices/actions shall occur two (2) years after the effective date of the respective notice/action.

Written requests from employees for the removal of disciplinary notices/actions shall include the effective date of the notice/action and shall reference the specific documents or contents that are being requested for removal.

The Executive Director has final authority on decisions regarding the removal of disciplinary actions.

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Chapter 1800: Political Activities

1810 Basic Concepts

Commission employees may retain membership in political parties, have the right to vote as they please, and to express their opinions on political subjects. They may, if theywish, attend political meetings and participate in political activities including candidacy for public office, as long as such activities do not interfere with their employment and duties of their positions with the Commission or the work of other Commission employees.

1820 Political Activities Specifically Prohibited

Employees have the responsibility to regulate their political activities in such a manner so as not to interfere with their employment. Political activities of employees which interfere with the performance of their official duties and responsibilities are prohibited. The following political activities, which include, but are not limited to, are specifically prohibited:

1821 Engaging in or giving the appearance of a conflict of interest (see Commission policies, including but not limited to, Commission Practices: Ethics; Non-Commission Employment; Employee Use of Commission Property; Fraud/Waste/Abuse; and Purchasing);

1822 Campaigning, fund raising, or other partisan political activities on Commission premises while performing his/her duties and responsibilities as a Commission employee, using public office or political affiliation for private gain that may result in a conflict of interest;

1823 Abuse of his/her Commission position for political ends;

1824 Promising, or the appearance of promising, any employment, position, work, compensation, or any other benefits as consideration, favor, or reward for political activity (see Commission policies, including but not limited to, Commission Practices: Ethics; Non-Commission Employment; Employee Use of Commission Property; Fraud/Waste/Abuse; and Purchasing);

1825 Performing political activities at the direction of a supervisor, appointed officer, Department Head, Commissioner, any other employee, vendor, or external organization;

1826 Interfering with the work of other Commission employees by engaging in political activity;

1827 Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or other item of more than the established nominal value, which may create a conflict of interest; and/or

1828 Use of scheduled work hours or unauthorized use of Commission property/resources for political or partisan activities (employees shall use their own accrued annual, personal, or compensatory leave for participation in such activities).

1830 Violations

A Commission employee violating any provision of this Chapter may be subject to disciplinary action as found in Chapter 1900, Discipline, up to and including dismissal from the office or position held with the Commission. The Executive Director shall establish administrative procedures for implementation of this policy.

Chapter 1900: Workplace Conduct and Discipline

1910 Basic Concepts

It is the policy of the Commission to treat all employees in a fair and equitable manner. Responsible Commission employees recognize their duty in creating the ideal workplace and the importance of exemplifying courteous and responsible behavior. An employee may be disciplined for on-the-job action(s) when the Commission's policies, workplace rules, or federal/state/local laws are violated. An employee may be disciplined for off- the-job action(s) when there is a connection of the action(s) to the employee's workand/or Commission operations. Off-the-job actions shall be reviewed on a case-by-case basis to determine any disciplinary action to be taken.

The Commission shall normally impose disciplinary actions on an incremental basisusing reprimands, loss of accrued leave, suspension, change to a lower grade, or separation/dismissal actions. However, the Commission reserves the right to take any necessary disciplinary action up to and including dismissal for any serious breach of Commission policy or work rules. Disciplinary actions are implemented in consultation with the Department Head and Human Resources Director. Disciplinary actions outsideof reprimands require the approval of the Department Head and the Human Resources Director.

1920 Disciplinary Actions

An employee may be disciplined for an offense against the employment relationship that occurs either on or off-duty.

1921 Employees shall be disciplined for any on-duty action which violates or attempts to violate Commission policy, a workplace rule, or a federal, state, or local law.

1922 Employees shall be disciplined for any off-duty criminal action that results in an arrest, indictment, or conviction when there is a direct or indirect adverse impact on the Commission's operations. The department may take disciplinary actions up to and including termination.

1923 Employees may be disciplined for any off-duty non-criminal action depending upon the nature of the action and its adverse impact on the Commission's operations. The department may take disciplinary actions up to and including termination. Among other factors, the department should consider the following in taking disciplinary action involving off-duty non-criminal misconduct:

1923.1 The nature of the misconduct;

1923.2 The employee's explanation, if available;

1923.3 The extent to which allowing the employee to continue in his/her position would be detrimental to the physical well-being of the employee or other;

1923.4 The nature of the employee's job duties, including the level of responsibility and discretion that will be exercised by the employee; and

1923.5 The extent to which the employee deals directly with the public.

1930 Examples of Possible Causes of Disciplinary Action

The following are examples of the categories and types of employee actions that mayresult in a disciplinary action being taken:

1931 Theft, destruction, inappropriate or unauthorized use of Commission property/resources, or another employee's property.

1932 Behavior which is detrimental to the work environment or disruptive to accomplishing the Commission's work program that may include but is not limited to:

1932.1 Physical fighting;

1932.2 Verbal Abuse;

1932.3 Harassment;

1932.4 Insubordination;

1932.5 Retaliation as prohibited by applicable federal/state/local laws or Commission policy.

1933 Failure or a position refusal to perform duties and responsibilities assigned to or required of that may include but is not limited to:

1933.1 Neglect of duty;

1933.2 Failure to follow direction;

1933.3 Failure to cooperate in an official Commission investigation or audit.

1934 Violation of Commission policy, work place rules, or conviction or violation of applicable federal/state/local laws that may include but is not limited to:

1934.1 Unauthorized use, possession, distribution, or sale of alcohol or controlled substances;

1934.2 Discrimination prohibited by applicable federal/state/local laws and/or Commission policy;

1934.3 Unauthorized use or possession of dangerous weapons on Commission property or the use, possession, or sale of a dangerous weapon off of Commission property that violates any applicable federal/state/local law;

1934.4 Violation of safety rules;

1934.5 Failure to comply with established work schedules and leave policies including, but not limited to, absence without authorization, excessive absenteeism, or tardiness;

1934.5.1 **Abandonment of Position**: An employee may be dismissed from Commission employment when absent from duty without authorization for a period of three (3) consecutive work days (see Chapter 2300, Termination of Employment, for guidance before implementation of this action);

1934.6 Conduct which results in a conflict of interest, as defined byCommission policy; and

1934.7 Falsifying or intentionally misrepresenting information, including, but not limited to, information provided during the employment application process.

1935 An attempt to engage in misconduct may result in disciplinary action up to and including the action that would have been taken had the misconduct been committed.

1940 Types of Disciplinary Actions

To distinguish between misconduct and performance deficiency, Chapter 1000, Performance Management, of these Rules should be consulted for possible actions related to the performance evaluation of an employee. Performance-based counselings are issued in accordance with the Commission's Performance Management Program and are not considered disciplinary actions.

Any of the following actions may be used in disciplining a Commission employee:

1941 **Reprimand**

A reprimand is a warning or indication of unacceptable performance, conduct concerning a specific act, infraction, or violation of a policy or procedure or other cause of disciplinary action that is usually given by the immediate supervisor and is noted for the record. An oral reprimand does not become part of the employee's official personnel file but may be noted as documentation in departmental files. An employee should receive an oral reprimand for the first minor breach of discipline and thereafter an oral or written reprimand for thesame or directly related matter. A written reprimand shall become part of an employee's official personnel file. There are no appeal rights for employees receiving an oral or written reprimand.

1942 **Loss of Accrued Annual Leave**

An employee may have a minimum of eight (8) hours up to a maximum of eighty (80) hours charged against the employee's accrued annual leave as a disciplinary action. Loss of annual leave may not total more than eighty (80) hours in any twelve (12) month period. This disciplinary action may be appealed directly to theMerit System Board.

1943 **Change to a Lower Grade**

An employee may be changed to a lower grade position as a disciplinary action. A change to a lower grade when used as a disciplinary action requires a loss in pay for the employee. Chapter 1200, Employee Compensation, should be consulted. This action may be appealed directly to the Merit System Board.

1944 **Suspension**

Suspension is the temporary removal of an employee from the work site without pay for a specified or indefinite period of time. This disciplinary action may be appealed directly to the Merit System Board.

1944.1 Suspension pending a court decision: An employee may be suspended for an indefinite period of time when s/he has been charged and is awaiting trial or a decision for a criminal offense.

1945 **Dismissal**

Dismissal is the removal of a Merit System employee from Commission employment for cause. Dismissal is the most severe disciplinary action that can be taken against an employee. Chapter 2300, Termination of Employment, should be consulted before implementation of this action. This action may be appealed directly to the Merit System Board.

In addition to taking any of the above-mentioned disciplinary actions, a Department Head can require an employee to make restitution for indebtedness as provided in Commission Practices including but not limited to Practice 2-15, Employee Use of Commission Property, and Practice 3-31, Fraud, Waste and Abuse.

1950 Disciplinary Procedures

Disciplinary actions may be initiated by the employee's supervisor(s). With the exception of reprimands, disciplinary actions are approved and issued by the Department Head, after concurrence by the Human Resources Director. In determining the appropriate disciplinary action, the Commission shall consider the seriousness of the offense, the facts and circumstances involved, and the employee's work record. Chapter 1500, Commission Leave, Section 1534, Pending Investigation of Charges, of these Rulesshould be consulted when it is necessary to remove an employee from the work site.

1951 **Notification**

Except for oral reprimands, an employee shall be notified of the disciplinary action in writing. The notification shall include a reason(s) for the disciplinary action, identification of the specific charges(s), and the type of disciplinary action including effective dates and appeal rights, if any, of the employee. Except for oral and written reprimands, written notification shall be presented to the employee that provides the reasons and consequences of the action being taken before the execution of a personnel action form. The employee shall be given an opportunity to respond to or comment on the disciplinary action, in writing or orally, to the issuing official.

1952 **Documentation**

Except for oral reprimands, appropriate documentation concerning the disciplinary action including a Personnel Action Notification form, if necessary, shall be forwarded to the Human Resources Division. Any employee response or comment to the disciplinary action may be forwarded to the Human Resources Division for inclusion in the employee's personnel file at the employee's request.

1953 Procedures for dismissal shall be followed pursuant to Chapter 2300, Termination of Employment.

1954 **Employee Appeal Rights**

Except for reprimands, a career Merit System employee may appeal a disciplinary action directly to the Merit System Board within seven (7) calendar days after the employee has received official notification of the disciplinary action.

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Chapter 2000: Disputes

2010 Basic Concepts

The Commission shall make a good faith effort to seek an equitable resolution for all parties concerned when a dispute arises. The Commission desires to resolve a dispute at the lowest possible Commission management level and encourages respect for all parties involved in the dispute. Employees and supervisors shall make every effort to resolve disputes informally. Commission resources shall be made available to assist management and employees in this endeavor. Employees are responsible for seeking redress for their disputes. Department Heads are responsible for insuring that employee disputes are given fair and prompt consideration. Employees shall be free from restraint, interference, harassment, coercion, discrimination, or reprisals in the pursuit of a resolution to their dispute. Procedures shall be made available for the processing of employee disputes as identified and referenced in these Rules.

Merit System employees covered by collective bargaining shall refer to their respective collective bargaining agreements for applicable dispute resolution mechanisms.

2020 Types of Disputes

2021 **Adverse Action**

An adverse action is any of the following personnel actions taken by a Department Head: dismissal, change to a lower grade as a result of disciplinary action, loss of accrued leave, suspension, and separation not in good standing, or as a result of a dismissal for abandonment of position.

2021.1 Filing an Adverse Action Appeal: A career employee who is the subject of an adverse action may appeal directly to the Merit System Board under the procedures identified in Chapter 2100, Appeals and Hearings, of these Rules. Employees in Probationary Merit System status have no appeal rights to the Merit System Board (see Chapter 500, Merit System Employees: Probationary and Career Status).

2022 **Administrative Grievance**

A grievance is a formal complaint arising out of a disagreement between an employee and management concerning the terms and conditions of employment or an alleged misinterpretation, misapplication, or violation of any Commission policy, procedure, or practice.

2022.1 The following actions may not be the subject of a grievance:

2022.1. a Position classification decisions (see Chapter 900, Classification, for appeal rights);

2022.1.b Performance evaluation ratings, except in cases of a failure to follow established procedures;

2022.1.c Placement on a Performance Improvement Plan (PIP);

2022.1.d Any employment action that is considered an adverse action, complaint, or other action as identified in these Rules as appealable directly to the Merit System Board (see Section 2023, Complaints of Alleged Discrimination).

2022.2 Filing an Administrative Grievance: A Merit employee, serving in career or new hire probationary status, may file an administrative grievance within thirty (30) calendar days from the date when the employee knew or should have known of the event giving rise to the grievance. Merit employees should consult Commission Practice 2-25, Employment Dispute Resolution.

A career Merit employee should exhaust administrative remedies before filing an appeal with the Merit System Board. Merit employees serving new hire probationary status do not have appeal rights to the Merit System Board (see also Chapter 500, Merit System Employees: Probationary and Career Status).

2023 **Complaints of Alleged Discrimination**

A complaint is a formal allegation against a party(parties) because of discrimination based on race, color, religion, ethnic/national origin, age, gender, sexual preference, disability, or any other non-merit factor in accordance with applicable federal/state/local laws.

2023.1 Filing a Complaint of Alleged Discrimination: An employee may file a complaint using the procedures for filing complaints of discrimination as outlined in Commission Practice 2-25, Employment Dispute Resolution.

* 2030 Grievance or Complaint Duplication *(as last amended June 21, 2017)*

2031 **Duplicate Internal Complaints**

An employee who files a grievance or complaint of alleged discrimination using an internal resolution procedure may not be entitled to duplicate the complaint using another internal resolution procedure.

2032 **Concurrent Internal and External Complaints**

In any matter where the employee elects to file with an outside agency or tribunal either concurrently or subsequent to the internal complaint with the agency, the M-NCPPC or the Merit System Board may stay any other internal review/investigation relating to the same matter until such time as all outside proceedings have been exhausted with legal finality.

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Chapter 2100 Appeals and Hearings

2110 Basic Concepts

An employee, or a group of employees, may appeal to the Merit System Board an adverse action, an unresolved grievance or complaint, or such other matters as are provided by these Rules and Regulations (see Chapters 100, General Provisions; 900, Classification; 1000, Performance Management; 1800, Political Activities; 1900, Discipline; and 2100, Appeals and Hearings). The Merit System Board serves as the final administrative appellate body. Decisions of the Merit System Board are final and binding on the Commission on all matters covered by these Rules and Regulations. The Merit System Board shall promulgate Rules of Procedures for processing appeals and conducting hearings. The Merit System Board shall forward a copy of its Rules of Procedures to persons involved in an appeal.

2120 Time and Method for Submission of Appeal

* 2121 **Time** *(as last amended May 18, 2011)*

An employee, or a group of employees, is entitled to file an intent to appeal within seven (7) calendar days after receipt of notification of an appealable action or decision. If no appeal is filed within seven (7) calendar days, the matter shall be considered closed.

In extraordinary circumstances, the Merit System Board may approve an extension to the filing timeline when it is demonstrated that the condition causing the delay was beyond the control of the appellant.

2122 **Notice of Appeal**

A Notice of Appeal is a simple, written statement to the Merit System Board that an employee is submitting a notification of an intent to appeal. Upon receipt of an intent to appeal, the Merit System Board shall respond to the employee requesting a Letter of Appeal.

2123 **Letter of Appeal**

Within fourteen (14) calendar days of filing a Notice of Appeal, an employee shall submit a Letter of Appeal containing the following information:

2123.1 Name of employee, position title, and department.

* 2123.2 Employee specified mailing address, telephone number, and an electronic address (if one is available). All official correspondence from the Merit System Board is sent to the mailing address. *(as last amended May 18, 2011)*

2123.3 A description of the action/decision being appealed or explanation of charges being made.

2123.4 Reasons for disagreement with the action/decision or basis for the alleged charges.

2123.5 Relief or corrective action that is being requested to resolve the problem.

2124 **Dismissal of Appeal**

If an appeal is not submitted within the specified time limits, the Merit System Board may dismiss the appeal. The Merit System Board may also dismiss an appeal for failure to comply with the established appeal procedures.

2125 **Stay of Action**

The filing of an appeal does not delay the implementation of the action being appealed.

2130 Review of the Record

2131 The record shall include all materials pertinent to the case, as well as any statements made in writing by the involved parties.

* 2132 Any employee appealing a decision shall be entitled to review the record and make, in writing, any statement or argument as to the sufficiency of the record and the reason(s) for the appeal. The person or body whose decision is appealed shall have the right of reply, in writing, to any such statements. The Merit System Board shall establish reasonable time limits for the filing of any written statements supplementing the record or stating arguments based on the record. The employee will be offered the opportunity to make final comments on management's response. *(as last amended May 18, 2011)*

At its discretion, the Merit System Board may request additional information from the employee or management to clarify any record related to the appeal.

2133 The Merit System Board shall conduct a review of the record. This review is to determine whether to:

(1) Issue a decision based on the record;

(2) Schedule the appeal for oral argument; or

(3) Schedule the appeal for an adjudicatory hearing.

2140 Decisions Based on the Record

The Merit System Board shall issue a decision based on a review of the record within a reasonable time after closure of the record.

2150 Hearings

2151 The Merit System Board shall schedule and hold a hearing in the following circumstances: (1) upon request from the appellant in a demotion or dismissal action; and (2) upon request from an affected employee in circumstances as defined in Chapter 2200, Reduction-in-Force.

2152 If the Merit System Board finds the record insufficient upon which to issue the decision, or finds that for other reasons a hearing is required to resolve the appeal, then the Merit System Board shall schedule a hearing.

2153 If a hearing is required or authorized by the Merit System Board, it shall be scheduled as soon as possible. At least two (2) Board members shall be present to conduct a hearing. The employee, the Department Head, the Human Resources Director, the General Counsel, and the Executive Director shall be notified in writing of the date, time, location of hearing, and pre-hearing requirements. This notification shall be at least thirty (30) calendar days before the hearing date. Rescheduling and/or additional dates are not subject to the 30-day notification requirements.

2154 Hearings shall follow the standards and requirements contained herein and the Rules of Procedure as established by the Merit System Board. Prior to the hearing, the Merit System Board shall forward a copy of the Rules of Procedure to the appellant and/or his/her representative and the applicable Department Head.

2155 An employee may have a person of his/her own choosing assist in the preparation of his/her appeal. "Assisting" includes accompanying or helping an appellant in the preparation and presentation of an appeal but does not include representing the employee at the hearing or acting as counsel or attorney for the employee. An employee may select and retain at his/her own expense an attorney to act as counsel in a hearing.

2156 At an adjudicatory hearing, the employee and Commission may:

2156.1 Call witnesses;

2156.2 Offer evidence, including rebuttal evidence;

2156.3 Cross-examine any witness that another party calls; and

2156.4 Present opening and final arguments for summation and do so either orally or in writing, as determined in the discretion of the Merit System Board.

2157 Hearings shall observe the following basic adjudicatory principles:

2157.1 All evidence that the employee or Commission wishes to present must be offered for the record;

2157.2 Probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs should be admitted and given probative effect into the hearing;

2157.3 Evidence may not be excluded solely on the basis that it is hearsay;

2157.4 Evidence may be excluded if it is incompetent, irrelevant, immaterial, or unduly repetitious;

2157.5 Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

2158 The Merit System Board may use its experience, technical competence, and specialized knowledge in the evaluation of evidence.

2159 Employees who have been called by the Merit System Board to testify shall be made available by their department.

2159.1 An employee who has been notified to appear by the Merit System Board to testify shall be in duty and pay status.

2159.2 An employee who has been called by the Merit System Board may be subject to disciplinary action under Chapter 1900, Discipline, if s/he fails to appear.

2159.3 The Merit System Board shall consider such a request promptly and shall notify the employee and the parties of its decision.

2159.4 If the Merit System Board grants the employee's request not to appear, the Board may reschedule the proceeding or it may obtain information from the witness through other means.

2160 Corrective Action

2161 The Merit System Board shall determine such corrective action as appropriate to make the complainant whole. Punitive remedies or awards may not be imposed.

2162 Corrective action may include, but is not limited to, restoring employment or employment benefits, or granting an employment benefit.

2163 When an employee is restored to duty and the position in contention is filled, the employee shall be placed by the Commission in a position of like classification, status, and pay.

2164 The Merit System Board does not have jurisdiction over cases brought before the administrative hearing board (pursuant to state law) governing the discipline and rights of duly sworn Park Police Officers.

2170 Protection of Employees

All employees shall be free from restraint, harassment, interference, intimidation, coercion, or reprisal on the part of their associates, supervisors, and/or administrative unit heads in: (1) making an appeal of an adverse action; (2) pursuing a grievance or complaint; (3) assisting an aggrieved party; (4) appearing as a witness; or, (5) seeking information pertinent to the matter being appealed. This protection shall apply with equal force after an appeal has been adjudicated. When an employee has been affected by such actions, the Executive Director shall be notified so that appropriate action may be taken.

2180 Decisions of the Merit System Board

On all appeals, the Merit System Board shall provide a written decision, which shall be final and binding within the Commission. However, employees may appeal the Merit System Board's decision to a court of competent jurisdiction.

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Chapter 2200 Reduction-in-Force

* 2210 Basic Concepts (as last amended May 18, 2011)

When it becomes necessary to reduce the number of employees within a department because of reasons stated below, the provisions of this Chapter shall apply. Reduction-in-force actions are initiated and implemented by Department Heads. Determinations of employees affected shall be based on assigned work unit, status of employment, assigned classification, performance record, and length of service. Employment actions will comply with equal employment opportunity requirements and other applicable laws.

2211 **Definitions**

For the purpose of this Chapter the following words shall mean:

2211.1 Employee - A person:

2211.1.a Appointed to a Merit System position in career or probationary Merit status.

* 2211.1.b Under contract with the Commission pursuant to Commission Practice 2-16, Seasonal/Intermittent, Temporary and Term Employment. *(as last amended May 18, 2011)*

2211.2 Layoff - The termination of employment for a Merit System or contract employee caused by a Reduction-in-Force.

2211.3 Position - A job with a defined set of duties and responsibilities identified within an approved work year authorization.

2211.4 Recall - The right of a former Merit System employee whose employment was terminated due to a Reduction-in-Force to be notified of and to claim a vacant position within the same classification title.

2211.5 Reduction-in-Force - The elimination of one or more positions in accordance with the reasons listed in Section 2212 below.

* 2212 **Reasons for Reduction-in-Force** *(as last amended May 18, 2011)*

Reduction-in-force may be necessary because of one or more of the following reasons:

2212.1 Reduction in funding.

2212.2 Program changes.

2212.3 Reorganization or restructuring.

2212.4 Technological changes.

2212.5 Abolishment of positions as described in Chapter 400, Creation and Abolishment of Positions.

2220 Options

* 2221 **Departmental Actions** *(as last amended May 18, 2011)*

When a Department Head is facing the possibility of a Reduction-in-Force, s/he shall consider the options listed below. Department Heads shall provide written justification for the option(s) selected. The selection of one or more options is dependent upon the reason(s) the Department Head is contemplating a Reduction-in-Force:

2221.1 Implement a hiring freeze.

2221.2 Minimize overtime.

2221.3 Suspend hiring of contract employees.

2221.4 Terminate the contracts of all or some contract employees in the department. If the Department Head selects this option, notice shall be given to all affected contract employees no later than thirty (30) calendar days prior to the anticipated effective date. If a Department Head elects to terminate the contracts of contract employees in only selected work units and/or classification titles, s/he shall use the procedures set forth in this Chapter.

2221.5 Explore part-time Merit System positions and/or job sharing options.

2221.6 Reduce or suspend expenditures for training and travel.

2221.7 Suspend expenditures for Performance Recognition Awards.

2221.8 Examine and reduce, where possible, other program expenses.

* 2221.9 A Department Head may request the Planning Board (or Commission for departments in Central Administrative Services) to authorize a temporary, involuntary salary reduction on a department-wide basis (see Commission Practice 2-17, Involuntary Pay Reduction (Work Furloughs and Temporary Pay Reductions). *(as last amended May 18,*

2011)

2222 **Commission-Wide Actions**

* 2222.1 A Department Head and/or the Executive Director may request that the Commission authorize suspension or delay of cost-of-living adjustments or anniversary pay increments. If the Commission decides to suspend pay adjustments or increments, the Commission shall, by Resolution, order the suspension of any Rule or Regulation providing such pay. The Resolution shall designate the length of the suspension and shall cover all Commission employees who are not covered by collective bargaining. *(as last amended May 18, 2011)*

2230 Determination of Affected Work Units and Positions

A Department Head shall identify the work units affected by a Reduction-in-Force which shall be based on the reasons listed in Section 2212 of these Rules.

* 2231 **Determination of Affected Work Unit(s)** *(as last amended May 18, 2011)*

A work unit shall be no smaller than the level of a division or its equivalent (e.g., area, region) within the department's organization. For the purpose of a Reduction-in-Force, work units not already included in a defined division shall be grouped by the Department Head into a division so that the intent of this Chapter may be followed. The Department Head may select division, a group of divisions, or the department as the affected work unit.

* 2232 **Determination of the Affected Positions** *(as last amended May 18, 2011)*

Upon determination by a Department Head that the number of positions in an affected work unit shall be reduced, the Department Head shall designate the specific classification title(s) in the unit that shall be affected.

* 2240 Recommendation, Authorization, and Notice of Reduction-in-Force Actions *(as last amended May 18, 2011)*

All Reduction-in-Force actions must be authorized by the Commission.

* 2241 **Recommendation to Implement a Reduction-in-Force** *(as last amended May 18, 2011)*

The Department Head shall prepare a report describing the departmental recommendation for Reduction-in-Force. The report shall contain the:

2241.1 Reasons a Reduction-in-Force is necessary.

2241.2 The options considered from Section 2220.

* 2241.3 Positions affected by the Reduction-in-Force. This information shall identify the affected work units, the affected classification title(s), an estimate of the number of employees who may be laid off, and the status of other actions prescribed herein. *(as last amended May 18, 2011)*

* 2241.4 Positions exempted from the Reduction-in-Force and the reasons for exemption (See Section 2255). *(as last amended May 18, 2011)*

* 2241.5 Anticipated period during which the Reduction-in-Force action will be implemented. *(as last amended May 18, 2011)*

* 2242 **Review and Authorization of Reduction-in-Force Recommendations** *(as last amended May 18, 2011)*

The Department Head shall submit Reduction-in-Force recommendations to the appropriate authority for review and authorization.

* 2242.1 Recommendations from operating departments shall be submitted to the respective Planning Board. The Planning Board shall approve, modify, or disapprove the recommendation. Upon approval by the Planning Board, the recommendation shall be submitted to the Commission for consideration and final approval. *(as last amended May 18, 2011)*

* 2242.2 Recommendations from departments in Central Administrative Services, shall be submitted to the Executive Committee. The Executive Committee shall approve, modify, or reject the recommendation. Upon approval by the Executive Committee, the recommendation shall be forwarded to the Commission for consideration and final approval. *(as last amended May 18, 2011)*

* 2243 **Notice of Reduction-in-Force Actions** *(as last amended May 18, 2011)*

Reduction-in-Force notices are issued by the Department Head and shall be developed with the assistance of the Human Resources Director to ensure consistency with applicable policies and appeal rights.

* 2243.1 <u>General Notice of Intent to Conduct a Reduction-in-Force</u> *(as last amended May 18, 2011)*

When a Reduction-in-Force is being considered, the Department Head shall issue a written, General Notice of Intent to inform all employees in the department that a Reduction-in-Force may take place.

* 2243.1.a The General Notice of Intent shall be issued within seven (7) calendar days following the Planning Board's (or the Executive Committee's) approval to forward the departmental recommendation to the Commission for final action. (See requirements outlined in Section 2241 of this Chapter). *(as last amended May 18, 2011)*

* 2243.1.b The General Notice of Intent is provided for information purposes and is not an appealable action. *(as last amended May 18, 2011)*

* 2243.2 Notice of an Authorized Reduction-in-Force *(as last amended May 18, 2011)*

When a Reduction-in-Force has been approved by the Commission as required by Section 2241, the Department Head shall determine which employees occupy positions within the work unit(s) and affected classification title(s) for which a Reduction-in-Force has been approved. Determination of affected employees shall be carried out in accordance with Section 2250, Order of Layoff.

Upon determination of the specific employees affected by an authorized Reduction-in-Force, the Department Head shall issue a written notice to each individual informing them of the layoff.

Notification requirements for contract employees shall be handled in accordance with Practice 2-16, Seasonal/Intermittent, Temporary and Term Employment.

All Merit System (probationary and career) employees to be laid off as a result of Reduction-in-Force action shall receive the Notice of Authorized Reduction in Force at least sixty (60) calendar day prior to the effective date of the layoff. The Notice of an Authorized Reduction-in-Force shall include:

2243.2.a The name, classification title, and grade of the employee;

2243.2.b An explanation of the facts and circumstances surrounding the determination that a Reduction-in-Force shall take place;

2243.2.c The appropriate person(s) to be contacted to allow the employee to determine the availability of other employment within the Commission;

2243.2.d The appropriate person(s) to be contacted to determine the availability of benefit options and out-placement services;

2243.2.e The appeal rights available to the employee pursuant to Section 2280 of this Chapter; and

* 2243.2.f The effective date of the layoff; and (as last amended May 18, 2011)

* 2243.2.g A copy of this Merit System Rules and Regulations Chapter. (as last amended May 18, 2011)

* 2250 Order of Layoff (as last amended May 18, 2011)

For those classification titles *within the affected work unit(s)* as designated by the Department Head, the Reduction-in-Force shall be accomplished in the following order:

* 2251 Contract Employees: All contract employees (part-time or full-time) in the designated classification titles within the affected work unit shall be laid off first. *(as last amended May 18, 2011)*

* 2251.1 The layoffs shall be based on reverse order of length of non-Merit service with the Commission. Therefore, the layoff will commence from shortest to longest length of service. *(as last amended May 18, 2011)*

* 2251.2 The calculation of service shall include all periods of non-Merit service with the Commission even though there may have been interruptions in that service. *(as last amended May 18, 2011)*

* 2252 Probationary Merit System Employees: All probationary Merit System employees (part-time or full-time) who are in the designated classification titles and serving their new hire probation within the affected work unit shall be laid off second. *(as last amended May 18, 2011)*

* 2252.1 The layoffs shall be in reverse order of length of Merit System service with the Commission. *(as last amended May 18, 2011)*

* 2252.2 The calculation of service shall include all periods of Merit System service with the Commission even though there may have been interruptions in that service. *(as last amended May 18, 2011)*

* 2253 Career Merit System Employees: Merit System employees (part-time or full-time) who are in the designated classification titles within the affected work unit shall be laid off third. *(as last amended May 18, 2011)*

* 2253.1 The layoffs shall be in order of their retention score from lowest to highest. The score shall be calculated in accordance with Section 2254 and rounded to the nearest one-tenth (1/10). In cases of equal scores, the employee with less Merit System service with the Commission, calculated by total months and days, shall be laid off first. *(as last amended May 18, 2011)*

* 2253.2 The calculation of service shall include all periods of Merit System service with the Commission even though there may have been interruptions in that service. *(as last amended May 18, 2011)*

2254 **Retention Score**

The retention score for each Merit System employee shall be calculated by multiplying the average point score representing the employee's performance evaluation ratings times the point total representing the employee's length of service as a Merit System employee with the Commission.

* 2254.1 Average Point Score for Performance Evaluation Ratings: The point total representing the employee's average performance evaluation rating shall be calculated as follows: *(as last amended May 18, 2011)*

Considering the three (3) most recent annual performance evaluations that have been completed for anniversary pay or new probationary purposes and communicated to the employee, or all such evaluations if there are less than three, assign a point score to each overall rating according to the following scale:

Overall Rating Points

2	4
1	2
0	0

The points assigned to each evaluation are then added and the total is divided by the number of evaluations considered. The resulting quotient shall be the employee's average performance evaluation point score.

* 2254.1.a A performance evaluation shall be considered in calculating the employee's rating only if the evaluation has been completed and communicated to the employee on or before the date of the General Notice of Intent to Conduct a Reduction-in-Force (see Section 2243.1). Any performance evaluation that is the subject of a pending grievance under Chapter 1900, Discipline, on the date when the Department Head designates in writing the classification title(s) affected by the Reduction-in-Force shall not be considered in the employee's rating. In such cases, the rating shall be calculated on the three most recent evaluations (or all such evaluations if there are fewer than three) that are not the subject of a grievance. *(as last amended May 18, 2011)*

2254.2 Point Score for Length of Service: The point total representing the employee's length of service, as of the projected date of layoff with the Commission, shall be calculated as follows: One (1) point shall be allocated for each whole month of Merit System service. For example, a Merit System employee who has worked ten (10) years, six (6) months and nineteen (19) days shall receive 126 points.

2254.2.a Length of service shall include all periods of Merit System service within the Commission even if there is a break in service.

* 2255 **Exempting Employees from Reduction-in-Force** *(as last amended May 18, 2011)*

A Department Head may exempt an employee from Reduction-in-Force in the event the employee, although holding a classification title affected by a Reduction-in-Force, performs defined functions recognized as being of a specialized nature that shall be continued in the department's work program after the Reduction-in-Force has been effectuated. The Department Head shall list such employees, if any, in the report to the Planning Board (or the Executive Committee) and the Commission as required by Section 2241.

* 2256 **Administrative Leave** *(as last amended May 18, 2011)*

Consistent with work program requirements, affected Merit System (probationary and career) employees who have received Notice of an Authorized Reduction-in-Force shall be allowed administrative leave from the performance of their normal responsibilities as is reasonably necessary for the purpose of pursuing employment opportunities.

* 2257 **Handling of Reduction-in-Force When an Employee is on Leave Status** *(as last amended May 18, 2011)*

A Reduction-in-Force is the elimination of one or more positions.

2257.1 If an employee is on approved leave and still occupying a position when a Reduction-in-Force is announced, the employee shall be treated as if s/he were actively at work for purposes of retention score calculations and other decisions pertaining to Reduction-in-Force actions.

2257.2 An employee who is in leave status and has already waived rights to his/her position is not considered to be occupying a position for purposes of a Reduction-in-Force.

2260 Eligibility for Recall or Continued Employment

* 2261 **Recall/Reemployment** (as last amended May 18, 2011)

2261.1 Former Merit System (probationary and career) employees who have been laid off due to a Reduction-in-Force shall retain the right, for twenty-four (24) months following termination, to be recalled to a vacant position holding the same classification title in the former employee's department. If no positions are available, the employee may then be recalled to a vacant position holding the same classification title in any Commission department. The order of recall for former Merit System (probationary and career) employees shall be in reverse order of the original Reduction-in-Force.

2261.2 Prior to filling any vacant position, a Department Head shall notify the Human Resources Director and request a determination of whether there are any former employees of that department or former employees from other Commission departments who retain recall rights to that position. If so, the Department Head is required to first offer the position to those former employees of his/her department and then to former employees from other Commission departments, in reverse order of the Reduction-in-Force, before considering any other applicants.

2261.3 The Human Resources Director may notify more than one former employee simultaneously of recall. If more than one former employee is notified, each former employee shall be advised as to his/her recall priority.

* 2261.4 Upon receipt of a recall notice, a former employee shall notify the

Human Resources Director in writing of his/her interest in the position within fifteen (15) working days after the date the notice is mailed. If the former employee does not respond within this time period or declines the position, the Human Resources Director shall offer the position to the next available former employee. *(as last amended May 18, 2011)*

2261.5 Former Merit System (probationary and career) employees who want to be notified of recall shall keep the Human Resources Division advised of their current address. The Human Resources Director shall send notices of recall to the most current address in the Commission's files.

* 2261.6 The re-employment of a former employee is contingent upon the former employee's current ability to meet the minimum qualification requirements, performance records, including any certification or licensing requirements, and medical/fitness for duty standards of the position for which s/he is being considered for re-employment. *(as last amended May 18, 2011)*

2262 **Vacant Merit System Positions - No Recall Rights**

* 2262.1 After a Merit System (probationary or career) employee has been notified of layoff and for six (6) months following the effective date of the layoff, the Human Resources Director shall notify that employee of any vacant Merit System positions that the Commission intends to fill, but for which the employee holds no recall rights under Section 2261. *(as last amended May 18, 2011)*

2262.2 An employee who has received a layoff notice or former employee shall notify the Human Resources Director in writing of his/her interest in the position within fifteen (15) working days after the date the notice is mailed. If the employee or former employee does not respond within this time period, the Human Resources Director shall delete the name from the list of eligible candidates.

If the employee or former employee responds affirmatively within the time period, the Human Resources Director shall determine if the individual is eligible for consideration for the position. If so, the Human Resources Director shall forward the name to the appropriate Department Head for consideration.

2262.3 After a Merit System (probationary or career) employee has been notified of layoff and for six (6) months following the layoff, a Department Head may accept that individual's application for a vacant Merit System position prior to announcing the position and opening it for competition. Alternatively, the Department Head may decide to hold the application pending announcement and competition and then make a decision based on all applications received. The determination of who is the best qualified person shall be solely within the discretion of the Department Head, taking all relevant factors into consideration.

2262.4 Former Merit System (probationary and career) employees who want to be notified of vacant Merit System positions shall keep the Human Resources Division advised of their current address. The Human Resources Director shall send notices of vacant Merit System positions to the most current address in the Commission's files.

2263 **Benefits Upon Recall or Reappointment**

Former Merit System (probationary and career) employees who are recalled within twenty-four (24) months of their layoff or appointed to a vacant Merit System position within six (6) months of their layoff shall receive the following:

2263.1 The same annual leave accrual rate as earned at the time of layoff (see Chapter 1400, Employee Leave: Personal, Annual, Sick, and Compensatory Leave; Section 1461).

2263.2 Re-credit of sick leave balance at time of layoff.

2263.3 Re-credit of compensatory leave not paid at time of layoff.

2263.4 The right to select one of the Commission's health benefit packages available at the time of recall or reappointment.

2263.5 If a former Merit System career employee is recalled or reappointed, s/he shall return to career status.

2263.6 If a former Merit System employee serving new hire probation is recalled, the employee shall complete the remainder of his/her probation receiving credit for the period of probation completed prior to layoff.

2263.7 If a former Merit System employee serving new hire probation is reappointed to a vacant Merit System position with no recall rights, a new probationary period shall begin.

2263.8 Any former employee recalled or reappointed to a vacant position shall meet the current qualification requirements of the position to include established post-offer medical standards.

2270 Benefits for Laid Off Employees

Merit System (probationary and career) employees who were laid off due to Reduction-in-Force are entitled to certain benefits. The Human Resources Division shall provide employees who are given a layoff notice with counseling prior to the effective date of the layoff. This counseling session shall describe the employees' eligibility for the following continued benefits and outplacement services:

* 2271 Merit System employees who have been laid off because of a Reduction-in-Force are eligible for continued health insurance coverage under the provisions of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA provides terminated employees up to eighteen (18) months of coverage at the employee's expense. Longer periods may be available for employees and their dependents subject to the conditions of the COBRA. When COBRA coverage has been elected by an employee, the Commission will partially offset health insurance expenses for a period of up to ninety (90) calendar days after the layoff. During the ninety (90) day period, the Commission will contribute toward continued health insurance premiums at the same level as when the employee remained in active status. At the conclusion of this ninety (90) day period, employees are responsible for paying 100% of the monthly premiums in addition to a 2% administrative charge consistent with the requirements of COBRA. *(as last amended May 18, 2011)*

The Human Resources Division shall counsel employees who are laid off because of a Reduction-in-Force regarding their options for continued health insurance coverage.

2272 Merit System employees who are laid off because of a Reduction-in-Force shall receive lump sum annual leave payments in accordance with Chapter 1400, Employee Leave: Personal, Annual, Sick and Compensatory Leave, Section 1465, Disposition of Accumulated Annual Leave at Separation or Termination from Employment. Sick leave and compensatory leave shall be handled in accordance with Chapter 1400.

2273 The Human Resources Division shall provide Merit System employees who have received notice of layoff with outplacement counseling services. These services shall consist of career counseling, an assessment of an employee's skills, and training in job search techniques.

2274 The Human Resources Division shall provide employees who have received notice of layoff with information on applying for Unemployment Compensation.

2280 Appeal Rights

A Merit System career employee who is terminated due to a Reduction-in-Force may appeal directly to the Merit System Board using the provisions of Chapter 2100, Appeals and Hearings, but the appeal shall be limited to the question of whether the Commission has complied with the procedures set forth in this Chapter. The appeal may not question the underlying decision to use a Reduction-in-Force or the adequacy of the consideration given to particular options listed under Section 2220 above.

2290 Prevailing Language

If there are any inconsistencies or conflicts between this Chapter and any other Merit System Rule or Regulation, Commission Practice, or any other Commission policy, the language of this Chapter shall prevail.

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Chapter 2300: Termination of Employment

2310 Termination of Employment

The termination of employment of a Merit System employee may be voluntary or involuntary.

2320 Resignation

Resignation is the voluntary separation of a Merit System employee. A Merit System employee may be given the option of resigning when a disciplinary action is pending, but may not be coerced to resign in lieu of a disciplinary action.

2321 An employee is required to give the supervisor at least fourteen (14) calendar days advance written notice of intent to resign. Failure to give such notice may result in the employee being ineligible for future Commission employment. A Department Head may grant an exception to the advance notice requirement for reasonable cause.

2322 If the Department Head determines that the employee has failed to comply with the advance notice request, or is unsuitable for future Commission employment, the employee shall be given a written notice of the action and will be considered "separated - not in good standing". The notice shall state the reasons for the action, the right to reply, and the right of the employee to appeal the final decision to the Merit System Board under the provisions of Chapter 2100, Appeals and Hearings.

2330 Dismissal

A Merit System employee may be dismissed for reasons that include abandonment of position, for cause, or an unsatisfactory performance evaluation, as determined by the employee's applicable appraisal system. A probationary employee may be dismissed if an overall satisfactory performance rating has not been attained at the end of the probationary period (see Chapter 500, Merit System Employees: Probationary and Career Status, Section 540, Probation for New Employees; and Chapter 1000, Performance Management, Section 1050, Employee Performance Evaluations).

2331 **Dismissal-Abandonment of Position**

Failure to report to work as scheduled for a period of three (3) consecutive work days without prior approval or notification to the supervisor may be cause for a Merit System employee to be dismissed (see Chapter 1900, Discipline, Section 1945, Dismissal).

2332 **Procedures for Dismissal**

In the case of a proposed dismissal, the Department Head or designee shallprovide the employee written notification of at least ten (10) work days prior tothe

proposed effective date of the dismissal. This notification shall include the basis and specific reason(s) for the dismissal, proposed effective date, and appeal rights of the employee. Upon receipt of this notification, the employee has five (5)work days to respond to the charges, orally or in writing, to the Department Head.An oral response shall be noted for the record. Subsequent to implementation of the dismissal, the Department Head shall evaluate all facts concerning the proposed dismissal, as well as the employee's response. Prior to the dismissaldate, the Department Head shall inform the employee in writing of his/her final determination. This written notification shall include the Department Head's decision on the dismissal, the effective date, and the employee's appeal rights.

2333 **Employee Appeal Rights for Dismissals**
Career Merit System employees may appeal a dismissal directly to the Merit System Board within seven (7) calendar days after receipt of the official dismissal notification.

2340 Reduction-in-Force
Chapter 2200, Reduction-in-Force, shall be referenced for terminations due to a reduction-in-force.

2350 Separation – Disability
A Merit System employee who becomes disabled and unable to perform the essentialduties of his/her position may be separated from employment.

2351 The Commission shall make a reasonable effort to assist the employee in regaining the ability to work at full capacity. These efforts may include assignment to another available position for which the employee qualifies and can perform the essential duties and responsibilities, vocational rehabilitation,modified duty, etc. The Department Head and the Human Resources Director must approve modification of duties and/or position assignments.

2352 The employee may be required to undergo a medical examination by a licensed medical provider selected by the Commission to make a determination of continued disability status and/or fitness for duty (see Chapter 600, Applications for Employment and Medical Examinations, Section 650, Medical Examinations).

2360 Separation – Death
The receipt of a death certificate of a deceased Merit System employee authorizes the Department Head to notify the Human Resources Director to begin all associated procedures. The Human Resources Director shall notify the designated beneficiary that the payment of all salary due and payment of any unused accumulated annual leave and/or unused accumulated compensatory leave is available, as set forth in Chapter 1400,

Employee Leave: Personal, Annual, Sick, and Compensatory Leave. Payment shall be made to the estate of the deceased upon receipt of a claim from a party or parties of the estate, accompanied by sufficient proof of right to such payment.

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Glossary of Terms

Abandonment of Position: Failure of a Merit System employee to report to work as scheduled for aperiod of three (3) consecutive workdays without prior approval from or notification to theemployee's supervisor.

Abolishment of Position: Removal of a Merit System position from the adopted budget.

Accrued Leave: Leave earned and credited to an employee.

Active Status: Applications accepted for continuous eligibility positions remain under active consideration for six (6) months.

Administrative Grievance: A formal complaint arising out of a disagreement between an employeeand management concerning the terms and conditions of employment or an alleged misinterpretation, misapplication, or violation of any Commission policy, procedure, or practice.

Administrative Grievance Procedure: Procedures established by the Commission and found in Commission Practice 2-25, Employment Dispute Resolution, for resolving employment disputes.

Administrative Leave: Paid leave which is granted by a Department Head to one or more employeeswithout charge to the employee's accrued leave balance.

Adverse Action: Any of the following personnel actions taken by a Department Head: dismissal, change to a lower grade as a result of disciplinary action, loss of accrued leave, suspension, and separation not in good standing, or as a result of a dismissal for abandonment of position.

Allocation: The assignment of an individual position to the proper classification; or the assignmentof a classification to a pay range.

Alternative Work Schedule: A flexible work schedule assigned or approved by the Department Headthat uses flextime, compressed work weeks, or other alternate work arrangements to meet standardwork week hours.

Anniversary Date: The date (month, day) of initial hire into a Merit System position, unless changedin accordance with these Rules.

Anniversary Increment: A salary increase which is granted when an overall satisfactory performancerating level is achieved at the annual performance evaluation.

Annual Leave: Paid leave benefit granted to employees. Annual leave may be used for vacations and other personal reasons. Annual leave may also be used for reasons listed under sick leave including parental/family responsibilities.

Appeal: A formal written request for review of a personnel matter when authorized by these Rules or adopted Commission policy.

Application: Authorized forms for prospective and current employees to use when applying forinitial hire or to fill a new or vacant position.

Appointment: The hiring of an eligible applicant to a Merit System position by a Department Head with the approval of the Executive Director.

Benchmark Position: A position designated as a guide or criterion for the establishment of new positions, or for comparison when allocating existing positions within a class series. Benchmark positions help maintain internal alignment and relationships between classes and assist in comparingand maintaining equitable pay relationships with other agencies and with external sources.

Budgetary Crisis: As declared and defined in an adopted Planning Board or Commission resolution.

Career Merit Status: Satisfactory completion of the new-hire probationary period.

Class: One or more positions that are similar in type of work performed. Similarities may include level of responsibility, difficulty, and complexity of duties, knowledge, skills, and abilities required to warrant the same classification assignments.

Class Abolishment: The elimination of a class that is no longer used or needed.

Class Creation: The establishment of a new class when one or more positions are not adequatelyor appropriately described in an approved existing class.

Class Specification: A written description of a group of representative duties and responsibilitiesthat are assigned to a position or positions, and which establishes minimum qualifications.

Classification: The original placement of a position in a class.

Classification Plan: A comprehensive, orderly system for classifying positions by occupational group, series, class, and grade according to differences in duties, responsibilities, and qualificationsrequirements.

Commission: The term used to designate The Maryland-National Capital Park and Planning Commission which is established and charged by Division II of the Land Use Article to administer the Metropolitan DistrictAct and the Regional District Act in Montgomery and Prince George's Counties, and the public recreation program in Prince George's County.

Commission Leave: Authorized paid leave granted with or without charge to an employee's balance.Commission leave is granted for reasons listed in Chapter 1500 of these Rules.

Commission Physician: A licensed physician selected by the Commission to conduct medical and/orpsychological examinations of employees to determine overall fitness for specific or essential job functions.

Compensatory Leave: Paid leave granted in lieu of payment for authorized overtime, premium pay,or holiday pay, as specified within these Rules. Compensatory leave is granted at the rate of one hour of leave for each hour worked beyond the standard work week.

Complaint: A formal allegation of discrimination based on race, color, religion, ethnic/national origin, age, gender, sexual preference, or disability, or any other non-merit factor in accordance withapplicable federal/state/local laws.

Demotion: The voluntary or involuntary movement of an employee to a position in a lower grade level.

Department Head: For the purposes of administering provisions of these Rules and Regulations, thedirector of one of the recognized departments of the Commission, the Chair of the Merit System Board, and, where appropriate, the Chair of each of the Planning Boards. "Department Head" also includes the designee of a Department Head.

Departmental Personnel File: A personnel file on an employee kept in the employees department. This file will contain information relevant to an employee that is necessary for effective program operation.

Designee: An individual designated by a Department Head to implement provisions of the Merit System Rules and Regulations.

Desk Audit: An on-site examination and observation of the responsibilities of a position. The purpose of a desk audit is to obtain information about the position directly from the incumbent andsupervisors.

Disability Leave: Paid leave granted to a Merit System employee who is temporarily totally disabledfrom performing the essential duties of his/her job as the result of an injury or illness sustained in the performance of work with the Commission.

Discrimination: Treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individualmerit.

Dismissal: The involuntary disciplinary removal of an employee from a Merit System position.

Domestic Partner: An individual in a relationship with an employee of the same or opposite sex when the relationship meets the domestic partnership requirements established for the Commission's Health and Benefits Program.

Division II of the Land Use Article: Governs the operation of The Maryland-National Capital Park and Planning Commission.

Employee: Unless otherwise designated within these Rules, a Merit System employee appointed toa Merit System position.

Employee Leave: Leave which is earned and accrued by an eligible employee.

Employee Personnel Files: The official personnel file and the departmental personnel file on eachemployee.

Encumbered Merit System Position: A Merit System position filled by a Merit System employee.

Equal Employment Opportunity/Affirmative Action Program: A Commission program designed toimplement goals of equal employment opportunity in all employment actions affecting applicants and employees.

Essential Employee: An employee designated by a Department Head to work during an emergency closing.

Evaluation: See Performance Evaluation

Family: An individual related to a Commission employee by blood, marriage, adoption, domestic partnership, or guardianship. Examples include, but are not limited to: parent, stepparent, grandparent, spouse, domestic partner (as defined), legal guardian, brother, stepbrother, sister, stepsister, child, stepchild, grandparent; spouse's parent, spouse's grandparent.

Fitness for Duty: Ability to meet essential duties and responsibilities, with or without reasonable accommodations, for a Merit System position, including established post-offer medical standards.

Grievance: See Administrative Grievance.

Holiday: An official Commission holiday.

Holiday Alternate: When a Merit System employee is approved to work a compressed work schedule, and a Commission holiday is observed on the employee's scheduled day off, an alternateday off should be assigned within the same pay period in which the Commission holiday occurs.

Holiday, Substitute: Commission observance of a holiday on the preceding Friday or the followingMonday when the holiday falls on a weekend.

Human Resources Director: Position designated to develop, coordinate, or implement certainpersonnel actions within these Rules.

Indirect Supervision: See Supervision.

Individual with a Disability: Any individual who has a physical or mental impairment, has a recordof such impairment, or who is regarded as having an impairment which substantially limits one or more major life activities such as self care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

Internal Resolution Procedure: A formal dispute resolution procedure authorized by these Rules, including filing of an administrative grievance, an appeal, or a complaint.

Leave, Administrative: See Administrative Leave.

Leave, Annual: See Annual Leave.

Leave, Compensatory: See Compensatory Leave.

Leave, Maryland Organ Donation Leave Act: See Maryland Organ Donation Leave Act Leave.

Leave, Personal: See Personal Leave.

Leave, Sick: See Sick Leave.

Leave Day: Unless specified otherwise, a leave day equals the numbers of hours in the standard work day assigned to a unit of employees and approved by the Commission.

Leave Without Pay: An approved absence from duty in a non-pay status granted for reasons including personal illness or injury, donating an organ or bone marrow, providing care for a

memberof the immediate family, the birth, adoption, or foster care of a child, educational purposes, active duty military service, and other reasons personal to an employee.

Leave Year: Period beginning on the first day of the first full pay period in a calendar year andending on the last day of the pay period in which December 31 falls.

Layoff: The termination of employment for a Merit System or contract employee caused by a Reduction-in-Force. See Chapter 2200.

Maryland Organ Donation Leave Act Leave: Authorized unpaid leave to donate an organ or bonemarrow.

Meal Periods: A mandatory non-compensable break in the work day to allow an employee to eat a meal or to conduct other personal business.

Medical Provider: A licensed professional selected by the Commission to conduct a medical examination of a Merit System employee. Positions that require a medical examination are designated in the Commission's Classification system.

Merit System Board: Authorized by Division II of the Land Use Article, the Merit System Board is an impartial body responsible for making recommendations and decisions regarding the Merit System of the Commission. The Merit System Board is the highest level within the Commission for hearing appeals.

Merit System Employee: A full-time career, part-time career, or probationary employee of the Commission. See Chapter 500.

Merit System Position: A full or part-time, year-round position created by a Department Head basedon budgetary and organizational guidelines approved by a Planning Board and/or Commission.

Nepotism: Favoritism granted to relatives or close friends, without regard to merit.

Nominal Value: Commission Practice 2-24, Ethics, effective June 1991, requires that the Executive Director define nominal value annually, subject to the Executive Committee.

Overtime Compensation: As described within these Rules, overtime pay or compensatory leavegranted to employees for authorized hours worked beyond the standard work week.

Overtime Pay: Pay granted to employees for all authorized overtime hours worked beyond thestandard work week.

Pay, Premium: Pay granted to employees required to work during an emergency closing.

Pay Period: The designation of consecutive days during which hours worked and leave taken and accrued are recorded to determine leave balance and take home pay. Pay periods are also used to establish or determine starting dates for employee personnel actions such as pay increases, promotions, or disciplinary actions.

Pay Plan: A group of pay ranges and/or rates systematically related in order to provide a sound andequitable basis for employee compensation.

Pay Schedule: The subset of salary ranges assigned to positions within a pay plan.

Performance Evaluation: The appraisal of how an employee's work performance meets a supervisor's expectations including performance goals and objectives.

Performance Improvement Plan: A plan to assist career employees in improving identified performance deficiencies.

Performance Management: An on-going process of communication between a supervisor and an employee to assure the fair and accurate observation and appraisal of an individual's work performance.

Personal Leave: Paid leave granted to employees for personal reasons including individual religiousholidays, cultural observances, emergency business, or other reasons personal to the employee.

Personnel Manager: Position designated to develop, coordinate, or implement certain personnel actions within these Rules.

Personnel File: See Employee Personnel File.

Planning Board: Pursuant to Division II of the Land Use Article, the five members appointed to the individual County Planning Boards for the purpose of administering the Regional District Act and the Metropolitan District Act in Montgomery and Prince George's Counties, and other duties and responsibilities as contained in Division II of the Land Use Article. The members of the two Planning Boards compose The Maryland- National Capital Park and Planning Commission.

Position: A set of duties and responsibilities identified as a single job that has an approved work year budget authorization.

Position Description: A written list of duties and responsibilities assigned to a specific position.

Post-Offer Examination: A medical examination, conducted by a licensed medical provider selectedby the Commission, to confirm fitness for duty after an offer of employment has been extended.

Probationary Period: An on-the-job trial period which provides a new employee the opportunity todemonstrate ability for the position.

Promotion: The movement of an employee to a position of a higher grade level. Promotions may bemade on a competitive or non-competitive basis. See Chapter 1100 of these Rules.

Promotion, Competitive: An appointment to a Merit System position based upon the results of an open recruitment with advertisement or notice of continuous eligibility and a selection based upon merit and fitness for duty.

Promotion, Non-Competitive: Promotion by reclassifying a qualified employee's position to a higher grade and classification.

Quantitative Job Evaluation System: A systematic procedure for analyzing and ranking classes based on common factors for the purpose of allocating classes to the proper grades on theappropriate pay schedule.

Reallocation: The assignment of a class to a different grade level on a pay schedule, or the movementof a position to a different class at the same or a different grade level.

Reappointment: The appointment of a former career Merit System employee who left the Commission in good standing to a vacant Merit System position.

Reasonable Accommodation: A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to enjoy an equalemployment opportunity. Reasonable accommodation is required in three aspects of employment:

(1) to ensure equal opportunity in the application process; (2) to enable a qualified individual with a disability to perform the essential functions of a job; and (3) to enable a bargaining unit member with a disability to enjoy equal benefits and privileges of employment.

Reassignment: Movement of an employee from one position to another position of the same grade.

Reclassification: Assigning a new or different classification to a position due to changes in assignedduties and responsibilities and/or qualification requirements, or due to a mistake in classification. Aposition may be moved by reclassification to a lower or higher grade or the same grade.

Reduction-in-Force: The elimination of one or more encumbered Merit System positions. See Chapter 2200 of these Rules.

Reprimand: An oral or written warning or indication of unacceptable performance, conduct concerning a specific act, infraction, or violation of a policy or procedure or other cause of disciplinary action that is usually given by the immediate supervisor and is noted for the record.

Resignation: The voluntary action of an employee to leave Commission employment.

Separation: Termination of employment because of an involuntary inability to perform essential duties that is typically caused by death or disability.

Series: Two or more classes that are similar in type of work performed but differing in the level of difficulty and responsibility.

Sick Leave: Paid leave granted to employees for periods of absence because of personal illness; non-work related injury; medical quarantine; medical, dental, or optical examinations and treatments; or any temporary disability. Limited amounts of sick leave may be used for the care of a seriously ill or injured dependent and for parental leave related to the birth, adoption, or foster careof a child.

Special Pay Range: Temporary higher pay range for a class of positions under special circumstances.

Supervision: The act of exercising delegated authority to carry out or to effectively recommend appointment, transfer, suspension, layoff, promotion, assignment, reward, or discipline for other employees, or to adjust their grievances.

Direct Supervision: Supervision exercised by an individual who observes and directs the work of an employee on a day-to-day basis.

Indirect Supervision: Supervision exercised by an authorized individual other than the supervisor who observes and directs the work of an employee on a day-to-day basis.

Supervisor: Any person having the authority, in the interest of the Commission, to appoint, transfer,suspend, layoff, promote, assign, reward, or discipline other employees, or who is responsible for directing them, adjusting their grievances, or effectively recommending any of the above actions, whether directly or indirectly.

Termination: The act of ending Commission employment, whether voluntary or involuntary. See Chapter 2300 of these Rules.

Work Day, Standard: A work day based on the standard work week hours. See Chapter 800 of theseRules.

Work Schedule: The scheduling of work week hours within a pay period. See Chapter 800 of theseRules.

Work Week: The standard work week for full-time employees established by the Commission. SeeChapter 800 of these Rules.

Written: To express or communicate in writing, including e-mail.

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