

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

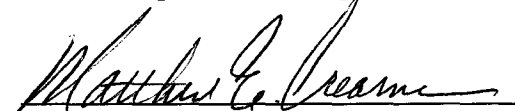
BILL NO. 2007-6

INTRODUCED BY: Council at request of Executive Legislative Day No. 07-21      Date: Nov 6, 2007

AN ACT to amend Chapter 59 of the Code of Wicomico County, Section 59-1, titled Personnel Manual by deleting the second sentence in Section 2303(e) and Section 2310 by eliminating the ability of an applicant to challenge an employment decision.

Introduced, read first time, ordered posted and public hearing scheduled on: December 4, 2007  
Time: 10:30 am      Location: Council Chambers

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing December 4, 2007 and concluded on, December 4, 2007


  
Council Administrator

**CERTIFICATION**

The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 4<sup>th</sup> day of December, 2007.

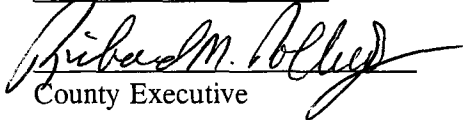
  
Council Administrator

Presented to the County Executive for approval this      day of December, 2007 at      a.m.      (5 days §411)

  
Council Administrator

**BY THE EXECUTIVE:**

APPROVED      Date: Dec. 20, 2007

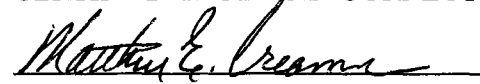
  
County Executive

VETOED      Date:      (21 days §411)

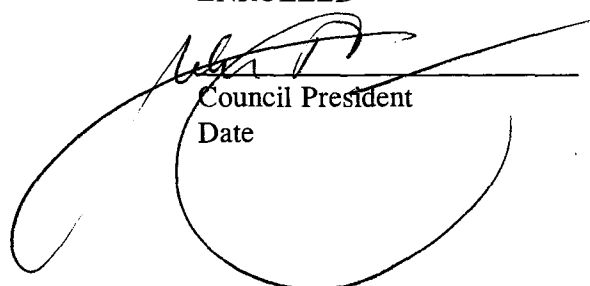
**EFFECTIVE DATE:** This Bill having been approved by the County Executive and returned to the Council, becomes law on      and effective on:      (60 days §311)

**ENROLLMENT:** Legislative Bill No. 2007-6 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

  
Council Administrator  
Date: 12/20/07

ENROLLED

  
Council President  
Date

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND  
LEGISLATIVE SESSION, 2007  
BILL NO. 2007-6

Introduced: November 6, 2007

BY: Mr. Cannon, Mrs. Prettyman, Mr. McCain, Mrs. Sample-Hughes, Mrs. Bartkovich, Mr. MacLeod and Mr. Holloway.

AN ACT to amend Chapter 59 of the Code of Wicomico County, Section 59-1, titled Personnel Manual by deleting the second sentence in Section 2303(e) and Section 2310 by eliminating the ability of an applicant to challenge an employment decision.

PREAMBLE

Pursuant to the Charter of Wicomico County, Section 601, titled "Personnel system," the County Executive may propose revisions, amendments or modifications to the existing system of personnel rules.

Upon the recommendation of the Director of Human Resources the County Executive has determined it advisable to recommend to the County Council the amendment of Chapter 23 of the "Manual of Personnel Policies and Procedures October 2003 Edition" adopted in Chapter 59 of the Code of Wicomico County to eliminate the ability of an applicant to challenge an employment decision

SECTION I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 23, of the "Manual of Personnel Policies and Procedures October 2003 Edition" be amended to revise Section 2303, titled "Exclusions," subparagraph (e) and Section 2310, titled "Grievance Procedures for Job Applicants" to read as follows:

Chapter 59  
PERSONNEL RULES

.§ 59-1. Personnel System.

Under and by Virtue of the Authority Contained in Article Vi of the Wicomico County Charter and the Sections Set Forth Therein, the Rules, Regulations and Provisions Set Forth in the "Manual of Personnel Policies and Procedures October 2003 Edition" and on File with the Director of Human Resources Are Enacted, Adopted and Established with Respect to the Administration of the County Personnel System.

The Portions of the Personnel Manual amended pursuant to this Bill are as follows:

CHAPTER 23

## GRIEVANCE AND APPEAL PROCEDURES

2302 Grievance Coverage. Except as provided under 2303 "Exclusions", this procedure covers any matter of concern or dissatisfaction by an employee relating to employment.

2303 Exclusions.

- (a) Actions taken in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR).
- (b) Performance ratings, unless the overall rating is less than satisfactory. See paragraph 1609 for additional actions that may be taken.
- (c) Position Classifications, approved by the County Council, or any other action taken per the direction of the County Council.
- (d) Adverse action taken against an employee during the employee's initial probationary period.
- (e) Nonselection for a position or for promotion from a group of properly ranked and certified candidates. ~~See paragraph 2311 for additional actions that may be taken by job applicants.~~
- (f) Oral or written warnings not filed within the employee's official personnel records.
- (g) Complaints from employee organizations.
- (h) An action which terminates Acting Capacity Pay and returns the employee to the position from which they were temporarily assigned.
- (i) A supervisor's determination of the job responsibilities and performance standards of an employee's position.
- (j) Withholding a merit increase due to less than satisfactory performance.
- (k) The content of published County policy.
- (l) Separation due to reduction in force from a group of properly ranked employees. See paragraph 2509 for additional actions that may be taken.
- (m) Separation of an appointed employee by the appointing official.

\* \* \* \*

~~2310 Grievance Procedure for Job Applicants. The following procedures provide a process for protesting the ratings of qualifications and the ranking of job applicants on eligible lists for County positions:~~

~~(a) Informal Stage. Not later than ten (10) working days after receipt of a nonselection notice letter, the aggrieved applicant shall provide the Human Resources Director either orally or in writing with a clear statement of the issue being grieved, and the personal relief sought. Within five (5) working days of receipt of the grievance, the Human Resources Director shall meet with the aggrieved applicant to explain the requirements of the job, the rating and ranking system used, and the procedures for lodging a formal protest.~~

~~(b) Formal Stage. Not later than ten (10) working days from the discussion with the Human Resources Director at the informal stage, the applicant must submit, in writing, to the Administrative Director a formal protest of the rating and/or ranking. The Administrative Director shall review all available records pertaining to the case, and, at their discretion, meet with the applicant and hear any evidence they may desire to present. The Administrative Director, after considering all of the evidence, will notify the candidate in writing of their findings which will be final and binding.~~

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2007-6 of Wicomico County, Maryland and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum..

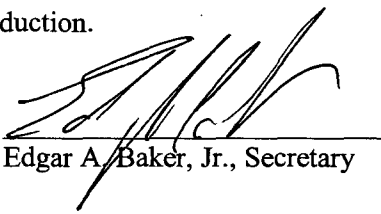
Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this <sup>4<sup>th</sup></sup> day of ~~December~~ 2007.

WICOMICO COUNTY, MARYLAND

  
BY: John Cannon, President

BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that twenty-five (25) copies of the above Bill are available for distribution to the public and press at the time of its introduction.

  
Edgar A. Baker, Jr., Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Strike out indicates material deleted from law.

CAPITAL - STRIKE OUT indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill