

Open Work Session—Amendment to Personnel Regulations-Liberal Leave

Wayne Strausburg, Director of Administration, and Michele Ennis, Director of Human Resources, came before County Council. Ms. Ennis said that as winter is approaching one of our major issues is attempting to address the employees concerns for safety when weather conditions may exit but the weather conditions are not significant enough to close the County offices. We propose a Liberal Leave Policy that will allow the County to remain open and maintain efficiency in operations, but address the safety concerns of some of our employees who fear driving in such weather conditions. Ms. Ennis continued, this policy allows for employees to use their judgment in determining if they can report to work without taking unnecessary risks, regarding their safety. It will allow for the flexibility without having to close the County offices and accumulate excess overtime due to the job requirements of County essential employees, who are required to work. Previous storms that have required the closure of County offices have measured a cost of 50 thousand dollars, per day, in overtime pay. A well-structured liberal leave program will allow nonessential employees safety options, without requiring them to come in if they feel that the conditions are unsafe. Human Resources researched options by looking at policies of other governments and agencies, and we believe that this is the best option. Ms. Ennis continued, saying that the last survey done shows nearly 86.2% of the agencies surveyed, including some private sector companies, have a liberal leave policy. Mr. Dodd stated that at one time the State of Maryland had a liberal leave policy and said that he noticed it was not on the list Ms. Ennis provided. Ms. Ennis responded that the State of Maryland does have a liberal leave policy and that it was added to the list as well as the Board of Education. Mr. Cannon asked, if the employees feel that it is not safe to come to work, would they have to use their own time, to which Ms. Ennis responded, yes, they would have to use their own time. They would make that judgment based on their own safety. Ms. Ennis said that employees live in various locations, so one employee may feel safe driving to work but another employee would not. It would be at their discretion, without consequences, provided the person is not classified an essential employee. Mr. Cannon asked what if the circumstances were such that there is a large amount snow in one area of the County, where employees cannot even get out of their driveway. Mr. Strausburg said that you do not always have the same conditions throughout the County, you have people who live close to the urbanized areas of the County and you have people who live in extremely rural areas where conditions may be completely

different. When we have "nor'easter" or hurricanes, heavy rain events, we have portions of the County where it is just impassable, so we cannot adopt one policy in terms of being open or closed that addresses all those factors across the County. This is an attempt to give employees, who may have difficulty reaching work, the option to stay at home without consequence. Mr. Joe Holloway stated that this reminds him of a TV commercial that says have you ever wondered how the guy who drives the snowplow gets to the snowplow. He said that he understands where we are trying to go with this. He added that where he lives his wife does not drive in any snow; it does not matter how deep the snow is. This gives people the choice. Mr. Cannon asked if the employees that are designated as essential, who must report to work, do they get any type of offset, compensation, or differential, to which Ms. Ennis responded, not on liberal leave, but if there is a County declared emergency, when we are required to close, then yes. Mr. Cannon responded, so there is a fine distinction between what is classified as liberal leave and a County declared emergency. Mr. Cannon asked if there was a problem before in defining that, to which Ms. Ennis responded it is defined in this policy and we have classified all employees based on their jobs; they have been notified and it is placed in the personnel file. Ms. Ennis said the department heads determined who is essential and who is nonessential based on their operations. Mr. Kilmer stated there is a liberal leave policy for the less severe events and then there are the more severe weather events like we had this year, asking what is the policy for the more severe weather events. Mr. Ennis responded that essential employees are paid time and half while all other employees are on administrative leave. Mr. Dodd then asked as the policy stands now, if the County Office Building is closed everyone gets a day off with pay or time off, to which Ms. Ennis responded, yes. Mr. Dodd commented that is why we want to go with the liberal leave policy; he likes the term without consequences. Mr. Strausburg said that is a critical part of the liberal leave policy. Mr. Cannon asked if under Section 1517, on the second line, where it says, "If Liberal Leave is declared, those employees will be able to use their accrued paid leave . . ." should that say "shall use their accrued paid leave." Mr. Ennis responded that the employees have the choice to use paid leave, leave without pay, or if the employee has no leave time available, we have, in Section 1505, the ability of the department head to advance leave. Mr. Matt Holloway stated that the main point is that it will not be an unexcused absence, to which Mr. Strausburg and Ms. Ennis confirmed that is, in fact, the main point. Mr. Strausburg said that in these situations we do not want to subject the employees to disciplinary action. Mr. Joe Holloway asked if we have

had some issues with an employee or two over this during this past year or so. Ms. Ennis responded that we have had some issues with this over several years. Mr. Joe Holloway asked Ms. Ennis if she had done an analysis of the savings. He said that he knows that it can be difficult as you don't know what type of weather conditions we will have, but say over the past couple of years did you do a breakout of what we saved. Mr. Ennis responded, yes; take into consideration that the majority of our workforce is essential personnel, so there are 191 individuals that are nonessential and 380 are essential, which are all your correctional officers, police officers and so forth. She continued stating that is approximately 20 thousand dollars in savings vs. 50 thousand dollars in overtime payments above our normal payroll. Mr. Cannon said previously when you came before Council with Personnel Manual changes, there was a committee that reviewed the processes, did they review this. Ms. Ennis responded, yes, the personnel committee has reviewed the liberal leave policy. Mr. Cannon suggested that the language under Exceptions, 6 (i), be incorporated under Section 1517 (a) Policy; he feels that it is a bit of redundancy the way it is currently written. Mr. Joe Holloway said that it is amazing that all these counties in Maryland have a liberal leave policy; it is basically just three of us that do not. Mr. Cannon said that he could not find Anne Arundel County's liberal leave policy or Montgomery County's liberal leave policy. Ms. Ennis responded that her department contacted their Human Resources Offices directly; not everything is posted online. Mr. Kilmer said that his wife works in Dorchester County where you have to drive across the Vienna Bridge on snow days; she has to use vacation time, but it is nice to have that flexibility and not have to face work consequences in events such as that. Mr. Dodd then asked if the liberal leave and the declaration of a county declared emergency is done by the County Executive, to which Ms. Ennis responded, yes. Mr. Dodd then asked is the County Office going to be open at all if there is a County declared emergency, to which Ms. Ennis responded, yes, for essential employees. Mr. Dodd said so just for the correctional officers and police, and they would get their overtime, to which Ms. Ennis responded yes. Mr. Strausburg said in state of emergencies, we would also have certain executive staff employees at the command center located at emergency services.

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November 3, 2015**



John T. Cannon, President




Matt Holloway, Vice President



Ernest F. Davis, District 1



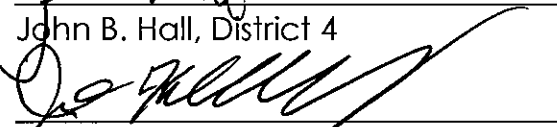
Marc Kilmer, District 2




Larry W. Dodd, District 3



John B. Hall, District 4



Joe Holloway, District 5



Matthew E. Creamer, Council Administrator