

**Open Work Session  
Personnel Manual – Chapter 14  
November 7, 2017**

Mr. Matt Creamer, Former Council Administrator, Mrs. Sharon Morris, Former Deputy Director of Administration, and Mr. Ed Baker, Former County Attorney, came before Council. Mr. Creamer said they will be looking at Chapter 14, which is probably the longest chapter in the manual, but they do not think it will necessarily be the longest in terms of presentation and discussion. He said the beginning of the chapter indicates the purpose, which is to provide regular full-time and regular part-time employees with a comprehensive benefits package, as is enumerated within this chapter. He said it sets out the ground rules so that the County knows what is expected of it, and the employees know what is expected of them, and the circumstances which may arise so that there is a prescribed and definite way of resolving them. He said the only change they are recommending in the beginning is under 1403, Leaves and Holidays. He said, on the second line where the current language refers to approved by the appropriate authority, that authority is actually the Department Head or the Department Head's designee, and they thought it would be clearer if that change was made. He said, also under 1403-B on the top of the next page, at the very end of that, leave shall be submitted in units. He said the current manual provides for 30 minutes, and the recommended change is for 15 minutes. He said there are two potential components to that, which are employees who use a time clock, which he believes is the majority of employees. He said if an employee clocks in after the appointed time, and the employee is more than 7 minutes late, then the employee would be considered to be late by 15 minutes. He said they are trying to suggest that it be consistent in that respect. He said if an employee is coming to work and is going to have to be late, then in order to avoid being late, the employee currently has the option of taking leave time. He said if an employee is 8 minutes late, it is a little bit severe to dock them 30 minutes. He said it is not substantial, but that was the reason for it.

Mr. Creamer said next they will move on to page 73, and if Council has questions or issues before that, to please let him know. He said he is trying to highlight the areas that might be a little bit different. He said on page 73, 1403-F, regarding sick leave, efforts have been made over the years in order to make it understood that sick leave is to be taken if an employee is sick. He said sometimes some employees have the idea that the sick leave is theirs, and they can use it for whatever purpose they want. He said there have been a number of efforts made over the years to discourage that, and one of them is in the language here, emphasizing that sick leave is an extremely valuable employee privilege which should be conserved and used only when necessary. Mr. Cannon said, going up just a bit on page 71, it is talking about the maximum accrual under E1. He said it says annual leave may be accumulated during the year, but any unused leave in excess of 360 hours. He asked if that means someone could accrue 9 weeks of leave in a year, to which Mr. Baker responded, that is the same as it is now. Mr. Creamer said, looking down to Table 15 at the bottom of that page, employees accrue a number of days per year relative to their number of years of service, and the maximum of that is 17 and above, and the days of annual leave for that is a maximum of 20. He said, at the present time, if an employee does not use all of that annual leave, it continues to accrue, and that is where the number can get higher over time, but there is a limit to that as well.

Mrs. Sharon Morris, Former Deputy Director of Administration, said she will start on Page 72 with the hardship cases, because that is new. She said she is pleased to present this portion of the manual because she really worked to get it included, and she appreciates it being considered. She said, over the course of years, many employees have come to the Administrative Office in hopes of cashing out

accrued leave that they have worked for and earned, for hardship cases. She said this section addresses that. The Director of Administration has the final decision on whether or not it is approved. She said there is a litany list of reasonable requests. She said other reasons and other expenses are determined, but an employee can petition the Director of Administration to cash out if they have hardships for medical purposes, or for anything they can prove they do not have direct resources for.

Mr. Ed Baker, Former County Attorney, said the sick leave on page 73, starting at paragraph F, is a subject of a great deal of debate and discussion. He said it is probably one of the biggest changes Council has seen the committee recommend at this point in time. He said the current accrual rate for sick leave allows accrual of 1,040 hours, or 130 days. He said one of the things that brought this to their attention and concern is the impact large accruals of sick leave has on the County. He said, when somebody leaves the County, retires, etc., that can result in fairly large payouts. He said the committee is proposing for Council's consideration a transition. He said they picked an arbitrary date, which is July 1, 2018. He said, for those people hired after that date, the maximum accrual will be 672 hours, which translates to 84 days, or 12 weeks. He said that is a somewhat arbitrary number, but what they looked at was the FMLA leave, which is a 12-week leave period. He said that would be the maximum accrual for those employees. He said employees who are currently on the County payroll will still have the right to accrue up to the maximum, at which time they would be frozen. He said what they are also suggesting is, if the County has a very good employee who does not use their sick leave, or does not use all of it, that employee is paid out at the end of the calendar year for any unused sick leave. He said the debate on that is whether or not they should be paid for it. He said it is an incentive to keep people from abusing it. He said some people will use their sick leave almost annually. Mr. Cannon said, when the committee is considering the 84 days/12 weeks, is that considering weekends, considering 7 days and not 5, to which Mr. Baker responded, no, it is still 40 hours. Mr. Cannon asked if it is a straight 12 weeks, to which Mr. Baker responded, no, not a calendar week, but a work week. He said they have recommended the elimination of the catastrophic pool, because, if an employee has 12 sick days and only uses 10, he is paid out for the other 2, so it should not roll over into a catastrophic pool. He said that is essentially the major change to regular sick leave. He said the provisions that are on the top of page 74 about the earning rate and the use of sick leave remain the same. They are the same as in the current one. He said there are additions to what constitutes a family member. He said they have added domestic partner and stepchildren. Mr. Cannon asked what it means when it states employees hired prior to July 1, 2018 who have accumulated in excess of 672 hours will have their accumulated sick leave frozen, to which Mr. Creamer responded, it means they would not accrue any more until they have used up enough of their sick leave over the years to get down to the new maximum. Mr. Baker said those essentially are the only major changes to sick leave. He said July 1, 2018 was just an arbitrary date, but it will be whatever the date of the adoption of the manual will be. Mr. Matt Holloway asked, in reference to the 672 hours, that is 84 days, but how is that 12 weeks, to which Mr. Baker responded, it is not a calendar week, it is a work week. He said it should be 40 hours. Mr. Matt Holloway said 40 hours for 12 weeks would be 480 hours. Mr. Cannon said 672 hours divided by 40 is 16.8. Mr. Baker said that is where this threw Council off, as it is calculated at 7 days and it should be 5. He said the intent was at 12 weeks at 40 hours, so it would be 480 hours. Mr. Cannon asked if the 672 is going to be adjusted, to which Mr. Baker responded, that would be a proposal. Mr. Creamer said, in order to not take Council's time tonight, it will be looked at. Mr. Baker said the rest of the provisions on 74 are relatively the same as in the current manual. He said minor changes, such as paragraph 7 on page 74, Administrative Director was changed to Director of Administration. He said those kinds of changes have been made. He said on page 75 there is a change as well. He said they have eliminated the payout at retirement or discharge. He said it was a 1:4 ratio, and that has been eliminated. He said, again, this will be transitioned in for new employees, and current employees would still have that right. Mr. Cannon asked,

so they are certainly going to retire a little bit earlier than they had planned to initially, to which Mr. Baker responded, yes. Mr. Joe Holloway said, he might be jumping the gun, but number 7 on page 74, how would it work if they have a serious illness or accident when it involves the County and they are on worker's comp, and worker's comp pays that. He said he knows it takes a while to get worker's comp, so they can use their sick pay as a bridge. He asked how that would work as far as reimbursing their sick leave, to which Mr. Baker responded, it has been a while since he looked at it, but he thinks the County policy is to continue to pay for up to 30 days until the worker's comp kicks in. Mr. Joe Holloway asked, would it affect their sick pay, to which Mr. Baker responded, no, it should not.

Mr. Baker said, on page 75, the sick leave pool has been substantially revised. He said there is some debate over it, but the committee's decision was to continue with the concept of a sick leave pool. He said this provision here is somewhat different from what they have currently. He said this is modeled on the State sick leave pool. He said it tightens up the policy a good deal, and it sets forth the criteria. He said it is the same process, in that a current employee can transfer 8 hours of sick leave into the sick leave pool. He said it now provides that if they do that, they are a member of the sick leave pool for 2 years. At the end of the 2-year period, if they want to stay a member of the sick leave pool, they have to donate another 8. He said it has provisions and regulations on who qualifies to become a member, and a large number of items on the bottom of page 75 as to who qualifies for it. He said the Sick Leave Pool Committee would consist of the Assistant Director of Administration, the Council Administrator, the Finance Director, and Human Resources Director. He said this provides they have closed meetings because it involves health issues, and then provides how one would make a request for the use of leave time.

Mr. Baker said, in reference to the bottom of page 76, compensatory leave and bereavement leave are virtually the same as in the current manual. He said, again, for bereavement leave, they have altered the definition of immediate family to add legalized domestic partner and stepchildren as members of the immediate family. Mr. Taylor asked what a legalized domestic partner is, as opposed to an ordinary domestic partner. He asked if legalized domestic partner would be a spouse, to which Mr. Baker responded, he is not sure where this was recommended from. He said he is not sure if it came from Human Resources. He said he believes it would probably be somebody who has gone through a ceremony or a commitment of some type. Mr. Taylor said he thinks it is an unusual phrase. Mr. Cannon said he thinks it is someone who is married, as opposed to just a live-in. He said they could be living together for 15 years, but still not be formally married. Mr. Baker said he will check into it. He said the prior edition did not contain the word "legalized". Mr. Creamer said, perhaps when the work group did this, which was five to six years ago, the law in Maryland with regard to marriage had not changed yet. Mr. Cannon asked them to please look into it.

Mr. Baker said, at the bottom of page 73, in reference to personal leave, there are no changes from the current manual in effect. He said the current manual did have a section that referred to terminal leave, and that has been omitted from this manual. He clarified terminal leave was permitting somebody to use accrued leave as they are coming up on their retirement or leaving the County. He said, for example, if someone were to retire on July 1 and they have 30 days of accrued leave, they could actually leave the workforce in June. He said they have eliminated that. He said those who had large amounts of leave time accrued would have been allowed to leave the County for five or six months, still get paychecks, and occupy the position so it could not be filled. He said it can still get cashed out.

Mr. Joe Holloway asked to go back to the sick leave pool. He asked how much accrued time put in by the volunteers over a period of time builds up. He then asked if it all gets used at some point in time, or

does the County use it, to which Mr. Baker responded, it has been a couple years since he has had any information on that, but he thinks there is still a more than adequate number of hours in there. Mr. Creamer said it is all on paper. He said the sick leave pool has no financial impact on the County at all. Mr. Joe Holloway said he realizes that, but people are voluntarily giving their hours. He said at some point in time if there are so many hours, it will take forever to use up, so what happens to that, to which Mr. Creamer responded, if that were to happen, he does not know if it would require an amendment to the manual. He said it might, but if it did, Council could amend the manual to say there can be a pause for a certain amount of time, and when the pool got down, the contributions could resume. Mr. Joe Holloway said he supposes that is something the Human Resources Director would have to keep track of. Mr. Steve Roser said they do have an audit of the sick leave pool as part of the annual audit plan for the current year.

Mr. Baker said, on page 78, other paid leave all remain the same. He said he has no indication that they made any changes or recommendations to those. He said the administrative leave on page 80, he believes, is a relatively new one, so that has not been changed. Mentoring leave was enacted by Council very recently. Mr. Creamer said that was added by legislation during this term. Mr. Baker added, as well as the liberal leave. He said military and active duty leave was not changed, nor did they change anything under the FMLA provisions. Mrs. Morris said, on page 86, they did make an adjustment on absence without leave. She said they made that language be three days to be consistent with existing policy. She said it currently said "Leave for any period of time is subject to disciplinary action," and they changed it to three days. Mr. Baker said they did not make any changes under worker's compensation. Mr. Baker said, on 1404-B1, there was one section in the old manual that specified coverages. It basically said the County would provide health insurance, vision insurance, dental insurance, etc. He said that was eliminated because those specific items are addressed later on in the manual, so they did not think it was necessary. He said on page 87, item 1405, this manual updates the language on the payment of Social Security, mainly a technical change. He said he believes that is it. The remainder of Chapter 14 has no changes, and is the same as the current manual.

Mr. Creamer said, as Council considers this further and gives Mrs. Hurley directions as to where they want to go next, the committee will be pleased to do that. Mr. Cannon said, obviously, Chapter 15 is next. He asked, based on workload, what do they think a sufficient number of chapters to review would be, to which Mr. Creamer responded, they did not make any changes with Chapter 15. He said Chapter 16 might involve a little bit of discussion. He said they wrestled with this chapter, and it seems to be a very detailed answer, and when they get to that point, they will make a suggestion to Council that will make it much simpler. Mr. Baker said he thinks they can probably finish all three chapters in one session, since they did not do anything to Chapter 15. Mr. Creamer asked if there are any earlier chapters Council would like to look at that the committee has not covered, to which Mr. Cannon responded, once they get through all the chapters, they will do a re-review. Mr. Creamer said Mrs. Hurley will keep in touch with the committee. There was no further discussion.

*Signatures are on the next page.*



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John T. Cannon, President

Absent



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Larry W. Dodd, Vice President, District 3



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Ernest F. Davis, District 1



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Marc Kilmer, District 2



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John B. Hall, District 4



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Joe Holloway, District 5



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Matt Holloway, At-Large



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Laura Hurley, Council Administrator