

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

BILL NO. 2010-08

INTRODUCED BY: Council at request of Executive Legislative Day No. 10

Date: May 18, 2010

Introduced, read first time, ordered posted and public hearing scheduled on: July 6, 2010

Time: 6:30 PM Location: Government Office Bldg.

AN ACT to amend the Wicomico County Personnel Manual Chapter 12, entitled "Overtime and Compensatory Time," Section 1202, titled "Work Time" and Section 1217, titled "Overtime Rate of Pay" to exclude leave in the calculation of eligibility of overtime to be in accordance with the Fair Labor Standards Act.

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on July 6 and concluded on, July 6.

Matthew E. Egan
Council Administrator

CERTIFICATION

The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 20th day of July, 2010.

Matthew E. Egan
Council Administrator

Presented to the County Executive for approval this 20th day of July, 2010 at 9:07 a.m./p.m.
(5 days §411)

Matthew E. Egan
Council Administrator

BY THE EXECUTIVE:

Richard M. Kelly
County Executive

APPROVED

Date: 8/2/10 (21 days §411)

VETOED

Date: _____

EFFECTIVE DATE:

This Bill having been approved by the County Executive and returned to the Council, becomes law on August 2nd and effective on: October 1st (60 days §311)

ENROLLMENT:

Legislative Bill No. 2010-08 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Matthew E. Egan
Council Administrator
Date: 8.3.10

ENROLLED

Graig M. Bartkowski
Council President
Date: 8.3.10

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2010
BILL NO. 2010-08

Introduced: May 18, 2010

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

AN ACT to amend the Wicomico County Personnel Manual Chapter 11 entitled "Salary Administration", Section 1110 titled "Call back pay" and Chapter 12, entitled "Overtime and Compensatory Time," Section 1202, titled "Work Time" and Section 1217, titled "Overtime Rate of Pay" to exclude leave in the calculation of eligibility of overtime to be in accordance with the Fair Labor Standards Act and eliminate Section 1110 which is duplicated in Section 1214.

PREAMBLE

The Fair Labor Standards Act requires that the calculation of overtime pay for an employee be based on "hours worked". The act does not require the inclusion of leave time in the determination of what constitutes "hours worked". The Wicomico County Personnel Manual includes paid leave time in the determination of "hours worked".

SECTION I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the Wicomico County Personnel Manual Chapter 11 entitled "Salary Administration", Section 1110 titled "Call back pay" and Chapter 12, entitled "Overtime and Compensatory Time," Section 1202, titled "Work Time" and Section 1217, titled "Overtime Rate of Pay" be and the same is hereby amended as follows:

Chapter 11
Salary Administration

~~1110 Call Back Pay. SEE SECTION 1214. Whenever an employee is called back to work or out of work with less than twenty-four (24) hours notice, by competent authority (normally their supervisor), they shall be entitled to Call Back Pay as follows:-~~

- ~~(a) Rate of Pay. Call Back Pay shall be paid at the rate of time and a half.~~
- ~~(b) Minimum Credit. Employees will receive a minimum of two hours of overtime credit (three hours of pay) regardless of the length of time that it may take to complete the task.~~
- ~~(c) Travel Time. All travel time to and from the work site shall count as hours worked.~~
- ~~(d) Exceptions.~~
 - ~~(1) Employee initiated changes. Employees will not be paid time and a half if the start of their duty or the shift change was initiated by the employee~~

~~or if the employee "volunteers" to replace another employee on their shift.~~

~~(2) Maximum Credit. Employees called out before the beginning of their normal scheduled work time, where the call out and the beginning of the normal work day is less than four hours, will be paid time and a half for only the time between the initiation of the call out and the beginning of the normal scheduled work day.~~

~~(3) Holidays. See paragraph 1111(e).~~

Chapter 12
Overtime and Compensatory Time

1202 Work Time. For the purpose of determining overtime, or compensatory time, work time DOES NOT include THE time during which an employee is on Paid OR UNPAID Leave.

1217 Overtime Rate of Pay. When overtime is computed, the following formula shall apply in determining the rate of pay:

(a) Hours Worked. For the purpose of determining overtime, or compensatory time, work time DOES NOT include THE time during which an employee is on Paid OR UNPAID Leave.

(c) Call Back and County Declared Emergency. The rate of pay for work during a CALL BACK OR County declared emergency will be determined in ACCORDANCE WITH SECTION 1214 CALL BACK PAY AND SECTION 1215 COUNTY DECLARED EMERGENCY. ~~the same manner as above, however, the overtime rate shall be paid for each hour worked, including travel time to and from the work site, if appropriate, during the emergency even though the total time worked may not qualify for overtime pay.~~

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2010-08 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 20th day of July, 2010.

WICOMICO COUNTY, MARYLAND

BY: Gail M. Bartkovich
Gail Bartkovich, President

BY: Edgar A. Baker, Jr.
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.
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