

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2018
BILL 2018-13

Introduced: November 20, 2018

BY: The Council President

AN ACT to amend the Wicomico County Personnel Manual Chapter One, titled "Authority, Objective and Scope," Section 0104, titled "Scope"; Chapter 6, titled "Recruitment and Selection, Section 0615, titled, "Appointments"; Chapter 8, titled "Probationary Period", Section 0801, titled "Objective", and Chapter 27, titled "Definitions," Section 2701, regarding the employment relationship of Deputy Department Directors shall continue to be in the Merit System, and following the probationary period, shall not be at-will employees.

WHEREAS, at the November 6, 2018 General Election, the Wicomico County Charter, Section 315 was amended by the voters to provide that the County Executive shall appoint the Deputy Department Directors subject to confirmation by the County Council; and

WHEREAS, the Wicomico County Council desires to amend the Personnel Manual to provide that Deputy Department Directors shall continue to be in the Merit System and, following the probationary period, shall not be at-will employees.

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 One, titled "Authority, Objective and Scope," Section 0104, titled "Scope"; Chapter 6, titled "Recruitment and Selection, Section 0615, titled, "Appointments"; Chapter 8, titled "Probationary Period", Section 0801, titled "Objective", and Chapter 27, titled "Definitions," are hereby amended AS FOLLOWS to clarify that Deputy Directors shall continue to be in the Merit System, ~~and following~~ AFTER the probationary period FOLLOWING APPOINTMENT; ~~shall not be at-will employees as follows:~~

CHAPTER 1
AUTHORITY, OBJECTIVE AND SCOPE

0104 Scope. The scope of this manual includes a compilation of uniform policies and procedures which govern and affect personnel management for all departments within the jurisdiction of Wicomico County Government unless specified otherwise. All employees of Wicomico County, except as listed below, are considered Merit System employees. The following employees are not considered Merit System employees and are not governed by ALL provisions of the manual.

Appointed employees, OTHER THAN DEPUTY DEPARTMENT DIRECTORS
Contract employees
Elected Officials (amended Res 569)

Grant employees
Members and staff of boards, commissions, and committees
Personnel in the State Merit System
Professionals, experts, and consultants engaged under contract for specific services
Revenue employees
Seasonal employees
Temporary and Temporary/Intermittent part time employees

Employees uncertain of their coverage by this Manual should consult the Human Resources Department.

CHAPTER 6 RECRUITMENT AND SELECTION

0615 Appointments.

(a) (2) Appointed Positions. EXCEPT FOR DEPUTY DEPARTMENT DIRECTORS, Employment of “appointed” employees may be terminated at any time, with or without reason, i.e., “at the will”, of the appointing official.

CHAPTER 8 PROBATIONARY PERIOD

0801 Objective. Employees are hired on an “at-will” relationship, which may be terminated at any time. This “at will” relationship is considered as the employee’s probationary period and shall be regarded as an integral part of the selection process and shall be utilized by the supervisor for closely observing the employee’s work performance, conduct, attitude, and for disqualifying an employee for continued employment whose performance or conduct is not satisfactory. Upon satisfactory completion of the probationary period, the “at-will” employment relationship is terminated. EXCEPTION: OTHER THAN DEPUTY DEPARTMENT DIRECTORS, Appointed employees retain an “at will” employment relationship throughout their employment.

CHAPTER 27 DEFINITIONS

2701 Definitions. The following words and terms, whenever used in this manual, shall have the meaning indicated:

Appointed Positons. Positions staffed through an “at-will” employment relationship, PROVIDED, HOWEVER, THAT DEPUTY DEPARTMENT DIRECTORS ARE ~~NOT “AT-WILL” MERIT EMPLOYEEES EXCEPT DURING THE PROBATIONARY PERIOD FOLLOWING APPOINTMENT.~~ Employees in “appointed” positions serve at the pleasure and discretion of the appointing official.

Appointed Employee. An employee hired for OR PROMOTED TO an appointed position, and who serves at the “will and pleasure” of the appointing official, INCLUDING DEPUTY DEPARTMENT ~~HEADS DIRECTORS~~ DURING THE PROBATIONARY PERIOD BUT NOT THEREAFTER.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2019 Legislative Session

Legislative Day No. 02

LEGISLATIVE BILL NO. 2018-13

INTRODUCED BY: President of the Council.

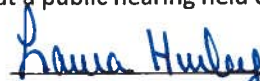
AN ACT to amend the Wicomico County Personnel Manual Chapter One, titled "Authority, Objective and Scope," Section 0104, titled "Scope"; Chapter 6, titled "Recruitment and Selection, Section 0615, titled, "Appointments"; Chapter 8, titled "Probationary Period", Section 0801, titled "Objective", and Chapter 27, titled "Definitions," Section 2701, regarding the employment relationship of Deputy Department Directors shall continue to be in the Merit System, and following the probationary period, shall not be at-will employees.

Introduced and read first time on November 20, 2018. Ordered posted and public hearing scheduled for January 15, 2019 at 10:00 a.m.



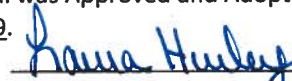
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on January 15, 2019 and concluded on January 15, 2019.



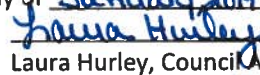
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 15th day of January, 2019.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 15th day of January, 2019 at 3 p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE EXECUTIVE:



County Executive

APPROVED
Date: January 16, 2019
(21 days §411)

VETOED
Date: _____

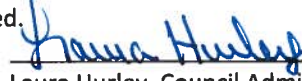
BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on January 16, 2019 and effective on: April 1, 2019.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Executive within 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2018-13 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator
Date: 1/30/19 (date received from County Executive)

Termination-at-Will. A condition under which an employer is free to terminate the employment relationship either for some specific reason or even for no reason at all. Employees on their initial probationary period, and appointed employees, are "at-will" MERIT employees, PROVIDED HOWEVER THAT DEPUTY DEPARTMENT DIRECTORS ARE NOT AT WILL EMPLOYEES AFTER THE PROBATIONARY PERIOD FOLLOWING APPOINTMENT.

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2018-13 of Wicomico County, Maryland and shall take effect sixty (60) days after its final passage, 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 15th day of January, 2019.

WICOMICO COUNTY, MARYLAND


BY: John T. Cannon, President


BY: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.


Laura Hurley, 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.