



**PERSONNEL
POLICIES AND PROCEDURES**

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Policy #HR-001

Subject: WELCOME & GENERAL OVERVIEW

Effective Date: 07/01/2010

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This Employee Manual provides important information to you as an employee of Cecil County Government. The manual includes employment policies and practices relevant to the workplace, as well as details about compensation and benefits. We urge you to read through the manual to familiarize yourself with the benefits and expectations of County employment. Your thorough review will facilitate your transition as a new employee and your success as an experienced employee.

Bear in mind, however, that “**Nothing in this Handbook in any way creates an express or implied contract of employment**”. In addition, the **Board of County Commissioners**, the entity responsible for Government operation, may change the terms of this manual without notice at any time. Revisions to the manual containing effective dates and updated information will be made available to employees as policies and/or procedures change. We hope that both you and Cecil County will enjoy a challenging, beneficial, and prosperous employment relationship.

HR-001 A: Cecil County Overview

Our County is managed by a 5-member Board of County Commissioners who is elected by the citizens of the County, and by a County Administrator who is appointed by the Board of County Commissioners. Cecil County Government operates on a fiscal year basis that begins July 1 of each year. The Board of County Commissioners is dedicated to providing services to the citizens of Cecil County, and has adopted the following **values** as guiding principles for all interactions with each other and with citizens:

Teamwork	Mutual Respect
Flexibility	Excellence
Accountability	Open & Effective Communication

These values provide guidance to all Cecil County Government employees regarding expectations for their job performance.

Cecil County Government employees work in a variety of settings and offices while serving citizens in all aspects of their lives. County government offices include the following:

County Administrator	Public Works
County Treasurer	Economic Development
Senior Services & Comm. Transit	State’s Attorney’s Office
Human Resources	Circuit Court
Emergency Services	Sheriff’s Office
Parks and Recreation	Housing Office
Permits and Inspections	Soil Conservation
Planning & Zoning	

Unclassified positions.

Employees in the following positions are considered unclassified and serve **at the pleasure of** their respective appointing authority and therefore, are not covered by the grievance procedures outlined in this manual:

Budget Manager
Chief Deputy Sheriff
Circuit Court's office staff
County Administrator
Deputy Director of Detention Center
Director of Senior Services &
Community Transit
Director of Community Corrections
Director of Detention Center
Director of Economic Development
Director of Emergency Services
Director of Housing & Community
Development
Director of Human Resources

Director of Information Technology
Director of Law Enforcement
Director of Parks & Recreation
Director of Permits and Inspections
Director of Planning & Zoning
Director of Public Works
Executive Secretary to the Sheriff
Deputy & Assistant State's Attorneys, Criminal
Investigators and Executive Secretary
Deputy Treasurer
Regular Part-time, Temporary, On-call,
Contractual or Grant Funded Positions

Sworn officers in law enforcement of the Sheriff's Office are covered by the provisions of the Law Enforcement Officers' Bill of Rights as contained in the Annotated Code of Maryland.

Sworn correctional personnel are covered by the provisions of the Correctional Officers' Bill of Rights as contained in the Annotated Code of Maryland effective October 2008.

If the Board of County Commissioners creates a new department, the department head's position will be automatically placed in the category of an unclassified position.

All of these organizations aid the Board of County Commissioners of Cecil County in providing a quality of life consistent with the expectations of County citizens.

Although the Board of County Commissioners is not the "**statutory appointing authority**" for all positions within County government, these policies are intended to provide guidance for all county employees (including all positions funded by Cecil County). Individual County agencies may also have additional policies and procedures specific to their organizations that support and expand upon these policies.

There are five separate **appointing authorities** for Cecil County Government, each with responsibility for specific areas. These are:

1. The Treasurer – for Treasurer's Office personnel.
2. The Sheriff – for Sheriff's Office personnel.
3. The State's Attorney – for the personnel of the State's Attorney's Office
4. The Administrative Judge of the Circuit Court of Cecil County – for Circuit Court personnel.
5. The County Commissioners – for all other personnel.

HR-001 B: Equal Employment Opportunity

Cecil County Government fully supports and is committed to equal opportunity employment and work force diversity. Cecil County Government respects the multiplicity of ideas and creativity generated by different cultures and backgrounds, and strives to create a workplace that promotes, values, and makes best use of individual styles and differences.

Cecil County Government's policy requires equal employment opportunity in all aspects of the employer-employee relationship. This includes recruiting, hiring, transfers, promotion, conditions of

employment, compensation and benefits, training and educational assistance, social and recreational programs, discipline, layoff, recall, and termination of employment.

HR-001 C: Non-Discrimination Policy

No employee of Cecil County Government will discriminate against any applicant or fellow employee because of age, citizenship, color, disability, marital status, national origin or ancestry, race, religion, sex, genetic background, sexual orientation, veteran status, pregnancy, or other conditions protected by law. This applies to the recruiting, hiring, training, assigning, and promoting of individuals, as well as administering any and all personnel actions.

Cecil County Government generally has no job in which age, citizenship, color, disability, marital status, national origin or ancestry, race, religion, sex, sexual orientation, or veteran status is a bona fide occupational qualification. In only very specific positions, gender *may be* a bona fide occupational qualification, but only after stringent review by Human Resources. An example where gender may be a bona fide occupational qualification is Resident Assistant for the Women's Shelter.

Any incident or situation that you believe involves discrimination or harassment on the basis of these defined personal attributes should be brought to the immediate attention of your supervisor or Human Resources, and proper action will be taken. Retaliation for reporting or complaining of discrimination is prohibited.

HR-001 D: Americans with Disabilities Act

Cecil County is committed to complying with the Americans with Disabilities Act. Cecil County will make reasonable accommodations with regard to employment of **qualified individuals with disabilities** while maintaining work place and public safety standards.

HR-001 E: Harassment Free Work

Cecil County Government employees act with integrity and treat coworkers with respect. Employees are expected to conduct themselves in a professional and pleasant manner. This means taking care not to offend coworkers. Cecil County Government has zero tolerance for harassment of any kind. Harassment, which includes sexual harassment, is unlawful and exposes not only Cecil County Government, but also individuals that engage in such conduct, to significant liability. Cecil County Government encourages the reporting of all information relating to workplace harassment without regard to the identity of the alleged harasser or victim. Cecil County Government is committed to prompt investigation of all complaints of harassment and to prompt and effective corrective action to prevent such conduct.

What Constitutes Harassment?

Prohibited harassment is conduct related to an individual's age, citizenship, color, disability, marital status, national origin or ancestry, race, religion, sex, sexual orientation, genetic background, veteran status, pregnancy, or other conditions protected by law, when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile, or offensive work environment, or otherwise adversely affecting an individual's employment opportunities. Harassment may include, but is not limited to, the following:

- ❑ Verbal abuse and/or ridicule, including slurs
- ❑ Offensive gestures, language, or discussion of offensive matters
- ❑ Displaying and/or distributing offensive electronic mail, materials, writings, graffiti, or pictures
- ❑ Offensive jokes and/or comments including e-mail, instant messaging, internet use, etc.

What Constitutes Sexual Harassment?

Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- ❑ Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- ❑ Submission to or rejection of such conduct by an individual is the basis for an employment decision affecting such individual; or
- ❑ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as touching, pinching, patting, sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, and displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials (including electronic mail messages) that are sexually suggestive, sexually demeaning, and/or pornographic.

Not only is harassment of any kind unlawful, it is hurtful to the victim and other employees. Incidents of harassment can result in a general atmosphere in which many individuals suffer. Sexually oriented acts or sex-based conduct have no legitimate business purpose. If you engage in prohibited conduct, you will be subject to corrective action, which may include ***involuntary termination***.

Reporting and Investigating Complaints.

You may contact your supervisor or the Director of Human Resources directly, in writing, if you believe you have been subjected to harassment, or if you witness harassment. Your complaint will be treated confidentially to the extent allowed for a thorough investigation and resolution.

Any supervisor who receives a report or has knowledge of harassment must contact Human Resources immediately. Supervisors should positively state Cecil County Government's commitment to maintaining a workplace that is free from any type of intimidating, hostile, or offensive behaviors and/or displays. This can be accomplished by making regular visits through the work area to ensure that there are no visual displays of a sexual nature (pictures, slogans, posters, etc.) that could be considered offensive to others. Supervision should immediately remove such materials and counsel the employees posting them.

Each complaint of harassment will be fully investigated and a determination of appropriate response will be made on a case-by-case basis.

Retaliation Prohibited.

Cecil County Government has zero tolerance of harassment or any form of retaliation against an employee who has either complained about or cooperated in an investigation of alleged harassment or discrimination. All individuals involved in an investigation will be treated professionally and will not be subjected to retaliation or reprisal. Employees who are found to have engaged in retaliation or who fail to cooperate with investigations of harassment, discrimination, or retaliation complaints will be subject to corrective action which may include involuntary termination.

If you believe you have been subjected to harassment, you should clearly tell the other party that you object to such behavior. In addition, tell your supervisor immediately and/or contact Human Resources if you feel that you have been subjected to harassment, discrimination, or retaliation.

The complaint will be treated confidentially to the extent possible, but absolute confidentiality cannot be guaranteed to the extent an investigation is required.

HR-001 F: SilentWhistle Program

This program is for County employees to confidentially report business abuse and or dishonesty, communicate ideas, suggestions, questions and concerns to management. Communication is handled through a third party provider so that an employee can openly share their thoughts and ideas. To use the program, employees can log on to <http://ccgov.silentwhistle.com> or call 1-877-874-8416.

Policy #HR-002

Subject: EMPLOYMENT

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HR-002 A: Jobs and Classification Plan

A job is the total collection of tasks, duties and responsibilities assigned to one or more individuals. All Cecil County Government positions are described by written **job descriptions**. A job description is a summary of the most important features of a job and includes:

- ❑ The general nature of the work performed (duties and responsibilities).
- ❑ The level of the work performed (skill, effort, responsibility and working conditions).
- ❑ Job specifications or employee characteristics required for competent performance of the job. These include required knowledge, skills and abilities to perform the job competently as well as minimum education, training, experience and any required licenses.

The job description describes the general nature and level of work being performed by individuals assigned to the classification. It is not intended to be construed as an all-exhaustive list of all responsibilities, duties and skills for the position. The job description also indicates the class (manual, trade, clerical, administrative or managerial), the level of work (entry, experienced, supervisory, managerial or master) and reporting relationships. Written job descriptions describe and focus on the job itself and not any specific individual who might fill the job.

Cecil County Government uses job descriptions for determining pay rates, recruiting employees into vacancies, assigning employees to appropriate jobs, and managing employee performance.

HR-002 B: Employment Types

Reflecting both the needs of individual agencies and the needs of employees to balance work and personal life, Cecil County Government provides several types of employment which differ based on hours worked, expected duration, appointing authority, applicable policies and available funds and benefits.

Employment Type	Hours/Week	Duration	Probationary Period	Benefits Eligibility	Grievance Procedures
Regular, Full Time	40	Indefinite	Sheriff's Office – 12 months for sworn officers; Other Offices – 6 months	Full	Applies to classified employees
Temporary	40	6 months or less	None	None	Do not apply
Regular, Part Time	35 or less	Indefinite	None	PTO, Pension only + State/Federal Mandated Laws	Do not apply
On-Call	As needed	Indefinite	None	State/Federal Mandated Laws	Do not apply
Contract/Grant	Set under contract	Set under contract	None	Set under Contract/Grant; not eligible for health/RX, dental or vision, pension or personal floating holidays	Apply per the MOU

- ❑ **Regular Full-Time Appointment:** a position requiring 80 hours of work per pay period (or 76 hours/pay period for 12-hour shift workers in the Department of Emergency Services) with no defined ending date. These employees are eligible for full benefits. Classified employees hired as regular appointments serve a probationary period of 6 months or 1 year (see Probationary Period HR-002 E).

- The following employment types serve *at the pleasure* of the *appointing authority and are unclassified*. Grievance procedures as described in the personnel policies do not apply in the case of discipline or discharge of these employees. They do not accrue benefits or employment rights based on length of service.
 - **Temporary Appointment:** an appointment with duration not to exceed 6 months.
 - **Regular Part-Time Appointment:** a position of less than 35 hours of work each week with no defined ending date but normally has a fixed work schedule. Employee hired as regular part-time does not accrue benefits but is eligible for 4 hours/month worked of paid-time-off (PTO) and is eligible to participate in the State Retirement/Pension System of Maryland.
 - **On-call Appointment:** a position filled at the discretion of the appointing authority based on business need, generally to meet emergency situations or short term labor needs with minimum staffing requirements.
 - **Contract/Grant Employee:** an individual with specialized knowledge, skills and abilities needed to perform an assignment for a defined period of time. Employee is retained by a department head using a personal service contract. The contract/grant employee may be retained after the contract and funding source are approved by the Board of County Commissioners and after review by the Director of Human Resources.

HR-002 C: Employment of Relatives

It is the County's policy not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital, familial, or residential cohabitation status. However, the County will not consider or accept any applications where the employment of an employee's relative would result in the types of prohibited relationships identified below.

1. A supervisor/subordinate relationship would, or could reasonably exist between a relative and an employee. If a direct supervisory or managerial relationship would or could reasonably be established, relatives of a current employee cannot be considered as applicants for an open position.
2. The employment of a relative would create an actual conflict of interest or the appearance of a conflict of interest. Under no circumstances shall any employee be allowed to report directly to an immediate family member.

Employees who marry or establish a close personal relationship can continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to find another position within the County to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If accommodations of this nature are not feasible, then one of the employees at the County's discretion will be discharged.

Employees hired prior to the implementation of this policy found to be in one of the prohibited employment relationships described above shall not be subject to the transfer and/or discharge provisions. However, the applicable Department Head, Director of Human Resources, and the County Administrator shall review each instance on a case-by-case basis and implement the appropriate steps to ensure all actual and/or potential conflicts of interest are appropriately reconciled.

For the purposes of this policy, relatives include spouses, parents, children, siblings, in-laws, grandparents, grandchildren, aunts, uncles, cousins, step-relatives, co-habitant, or significant other.

Cecil County Government expects each employee who is aware of the potential of a conflict or perceived conflict of interest generated by the prospect of hiring a relative to disclose this to management immediately.

HR-002 D: Conditions of Employment

As a condition of employment, all candidates for employment must complete an employment application, including disclosure of past employers, salaries received and reasons for leaving and sign releases that allow Cecil County Government to obtain copies of records such as credit reports, background checks, criminal histories, and driving records. Candidates must also successfully complete **pre-employment drug testing** and/or **pre-placement medical examinations**.¹ Candidates may be employed after appropriate **background investigations** have been completed and after meeting conditions related to eligibility for employment under immigration laws – that is, after providing documentation that constitutes proof of identity and proof of right to work in the United States.

If these conditions are not met, or any information provided is found to be untrue or falsified by the applicant, employment will be denied or active employment will be terminated.

HR-002 E: Probationary Period

Employee hired or appointed to a regular full-time appointment within the **classified system** serves at the pleasure of the appointing authority during a **probationary period**. Employee would not be eligible to post for vacancies until the completion of their probationary period. Discipline or discharge of a probationary employee is not subject to the grievance procedures of the County's Personnel Policies & Procedures Manual. An employee not successfully completing the probationary period may be subject to involuntary termination.

Probationary periods differ according to the appointing authority and are summarized in the chart that follows:

<i>Appointing Authority</i>	<i>Probationary Period</i>
Treasurer's Office	None for unclassified position; 6 months for others
Sheriff's Office	12 months for sworn officers; 6 months for all others
State's Attorney's Office	None for Deputy or Assistant State's Attorney; Criminal Investigators or Executive Secretary All others: 6 months
Circuit Court Personnel	None
County Commissioners	None for unclassified positions; All others: 6 months

HR-002 F: New Employee Orientation

To introduce a new employee to Cecil County government and general employment expectations, he/she must participate in a **new employee orientation program**. The program includes required training, such as **Sexual Harassment Prevention, Bloodborne Pathogens** (required depending on position²), and other important information to speed employee effectiveness on the job.

¹ Results of any physical examinations and pre-employment drug screening are filed in separate medical records and maintained in accordance with regulations, which protect the privacy and confidentiality of the candidate. To protect medical privacy, the Human Resources Department only receives information, which indicates the candidate's affirmative or negative ability to meet pre-employment screening requirements.

² Employees in safety-sensitive positions will be provided, voluntarily, the Hepatitis B vaccine series at no cost.

HR-002 G: Recruitment and Selection Practices

Our ability to meet citizen expectations depends on our human assets. Therefore, it is critical that Cecil County Government hires the best-qualified candidates while providing opportunities for advancement to current employees. Cecil County Government first considers internal candidates as part of general business practices, such as effective work force management, providing for promotional opportunities, and maintaining appropriate staffing levels. However, once it is determined that there are insufficient qualified candidates, Cecil County Government will recruit externally by advertising openings via various media, such as web pages, newspapers, or other sources.

Employment vacancies are those positions authorized and funded by the Board of County Commissioners. Full-time positions are generally posted on County government bulletin boards for 6 working days before being advertised to the public. However, some positions are advertised internally and to the public simultaneously. Candidates submit applications for all vacancies to the Human Resources Department. In most selection decisions, there are many candidates who meet the qualifications. The employment process focuses on identifying and weighing job-related skills, knowledge, abilities and competencies necessary for performance of the work, screening applicants against those qualifications, and performing valid selection processes to select the best candidates.

Human Resources manage the recruitment process and ensure that the activities are conducted in an efficient, fair, and organized manner, consistent with appropriate employment practice standards. Human Resources and the hiring authority conduct recruitment and selection ethically, professionally, and in a non-discriminatory manner.

HR-002 H: Separation

Employment terminates at the end of the work shift of the last day worked. Cecil County Government encourages an employee who is considering leaving County employment to inform their supervisor prior to the required 2-week period to allow for advertising and filling the position as soon as possible. Unused accrued vacation pay is included with the final paycheck. Where the employee has not returned County-owned equipment, property and contracted uniforms and identification cards, appropriate amounts are deducted from the final check.

Your employment with Cecil County Government may end under several circumstances:

Quit

An employee quits by leaving County employment without giving 2 weeks notice. An employee who terminates employment without providing 2 weeks written notice is not considered to have resigned in “**good standing**”. An employee who quits can only be rehired as a new employee.

Resignation

To resign in good standing, an employee must:

1. Provide 2 weeks written notice of the intention to terminate employment, and
2. Work the full 2 weeks of the notice period. (Must have a physician’s certificate for payment of any sick leave taken during the notice period.)

Once the appointing authority accepts a resignation, it may not be withdrawn. An employee who resigns in good standing can only be rehired as a new employee.

Retirement

An employee meeting applicable pension system requirements and eligibility may apply for retirement benefits. Retirement can be in the form of **early retirement**, **disability retirement** or **normal retirement**. An employee who retires from the Maryland State Retirement/Pension System must have a break in service of 45 days before they can be rehired as a new employee. Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees. Contact Human Resources for details.

Death

In the event of the death of an active employee, the employee's estate will be paid any owed compensation including **accrued, unused annual leave** and other entitlements, as appropriate.

Involuntary termination

An employee can be involuntarily terminated under the following situations:

1. Inability to perform **essential job functions**: The employee is consistently unable to perform the essential functions of the position with or without reasonable accommodations, as defined under the Americans with Disabilities Act, when appropriate.
2. Failure to meet performance expectations: The employee fails to meet performance expectations after successive attempts to provide coaching, retraining, and performance counseling.
3. Serious or repeat violations of County rules and/or policies: Employee terminated for violations may be terminated the day the appointing authority reaches the decision to dismiss the employee.
4. Lack of work, lack of funds, reorganization, change in budget, or change in technology, resulting in reduction in force or elimination of a position: Employee terminated for these reasons may be recalled to the former job classification in the reverse order of the separation – i.e., those terminated first are eligible to return to their former position before those terminated last.
5. Exhaustion of all applicable leave entitlements (i.e. FMLA, Leave of Absence, etc.)
6. Termination of a County employee supervised by an employee of another governmental agency under a Memorandum of Understanding governing the employment of such County employee between said agency and the County.

Involuntary reduction of work hours and pay

Due to a sudden unexpected lack of funds to operate, all employees, including probationary, contractual, and part-time employees, may be subject to furlough. Employees are strictly prohibited from performing any County work during the furlough period. This includes checking work-related e-mail and voice mail.

The Appointing Authority may manage this situation differently due to the nature of the services they provide.

Policy #HR-003

Subject: SALARY ADMINISTRATION

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Cecil County Government strives to attract, motivate, and retain exceptional talent. To help accomplish this goal, Cecil County Government has a market-based and performance-based total compensation program that establishes parameters for base pay and benefit programs. Your total compensation includes cash compensation as well as benefits. The program is intended to compensate all employees on a fair, equitable basis and to recognize demonstrated performance and employee contributions. Questions regarding your compensation should be directed to your department head or Human Resources.

HR-003 A: Pay Structure(s)

Employees hired into authorized **positions** are paid according to the current pay scale as described below unless the position is ungraded or contractual. Each position is placed on the appropriate **pay structure** by assigning it to a **pay grade**; placement within the specific pay grade is typically at the minimum of the pay range unless otherwise approved. New employees will normally be hired at step 1. If a current employee transfers to a different pay scale, they are placed in Step 1 of the appropriate grade for the position.

Pay ranges are established for each pay grade. The pay range sets minimum and maximum pay values for the job. Pay ranges are regularly compared to appropriate labor markets through surveys. Ranges are adjusted, as needed, to reflect changes in competitive pay levels as well as changes in economic factors such as significant increases in inflation or consumer prices and County Commissioners' ability to fund.

The **Pay Scales** include only the positions listed on the Allocation of Positions to Pay Grade for the appropriate pay scale. The percentage of increase between steps is approximately 3%. Employees move through the pay ranges based on approval from the appointing authority and budgetary constraints. Employee on the step-rated scale is eligible for a lump-sum increase if over maximum of a pay range, where funded and approved.

The Public Safety Pay Scales are applicable to employees who are regularly scheduled to work on a shift basis in a 24 hours/7 days per week operation in the Sheriff's Office (Patrol or Corrections) or Department of Emergency Services. Services of public safety include fire and emergency medical services, hazmat response, law enforcement services, correctional officers and counselors, emergency management preparedness and mitigation and the 911 operators.

- ❑ **Public Safety Pay Scale for Patrol:** The pay scale for employees on this scale consists of pay grades 1L – 10L with 16 steps in each grade.
- ❑ **Public Safety Pay Scale for Corrections:** The pay scale for employees on this scale consists of pay grades 1C – 10C with 16 steps in each grade.
- ❑ **Public Safety Pay Scale for Dispatch & Emergency Services:** The pay scale for employees on this scale consists of pay grades 1P – 10P with 16 steps in each grade. Grades 1-6 are based on 1,976 hours/year and are non-exempt positions; Grades 7-10 are based on 2,080 hours/year and are exempt salaried positions.
- ❑ **Non-Public Safety Pay Scale:** The pay scale for employees on this scale consists of pay grades 3N – 15N with 16 steps in each grade. Grade 1 employees earn a rate per hour set for interns. Grade 2 employees earn a rate per hour set for temporary seasonal workers.

Annual Salary Increases

1. **COLA or Pay Scale Adjustment:** Employees on a pay scale (or non-contractual ungraded positions) would be eligible for an increase for Cost of Living Allowance (COLA) or pay scale adjustments if it is funded by the Board of County Commissioners.
2. **Step Increase: (if funded during the budgeting process)**
 - ❑ **Regular full-time employee:** A regular, full-time employee must have a satisfactory performance level before being eligible to receive any step increase in the month of their hire. If the employee is at the maximum of their pay grade and is eligible for an increase, a lump sum payment equivalent to a step increase will be granted. The step-increase or lump-sum payment will be effective the date of anniversary as long as it is funded.
 - ❑ **Regular part-time employee:** An employee who works a regularly-scheduled shift totaling 500 hours or more per year and meet performance expectations may also be considered for an annual increase on their date of anniversary as long as it is funded.
 - ❑ **Contract and grant-funded:** If a contract and/or grant document provides for an increase, it would be effective upon renewal of the contract/grant.
 - ❑ **On-call, substitute and temporary employees** are ineligible for annual step increases.

HR-003 B: Changes in Position

Acting Pay

With appointing authority and budgetary approval, temporary transfers may also be made from one department or job classification to another to meet Cecil County Government needs. If an employee is temporarily transferred to a higher paid classification, the employee is paid at the new pay rate beginning after 10 consecutive working days from the date of transfer. The pay rate is adjusted so that the employee receives an increase equivalent to 5% of the current rate or to the minimum of the pay range (whichever is greater). The pay rate is automatically adjusted to the original rate at the completion of the temporary transfer. This type of transfer places an employee in **acting pay status**.

Attainment of Special Certifications or Additional Responsibilities

An employee is encouraged to develop their job-related skills, knowledge and abilities on a continuous basis. An employee may occasionally attain additional professional certification(s) pertinent to their job, or take on additional responsibilities clearly beyond the scope of the current job (but not sufficient to justify an upgrade – see Position Upgrade). Under these circumstances, the Board of County Commissioners reserves the right to award an additional percentage increase of 3% to recognize these accomplishments. **NOTE:** Typically the 3% increase for professional certification is given one-time only; however, the Board of County Commissioners will review additional requests that come to them with a recommendation from the department head or appointing authority and the Human Resources Director. In these cases, an employee will receive a lump sum payment equivalent to 3% of their base salary. Secondary increases will not be given for certifications/education that is required as a condition of employment (i.e. high school diploma, GED, Bachelor's Degree, professional certifications, etc.)

Demotion

When an employee fails to meet performance expectations, violates standards of on-the-job conduct leading to disciplinary action, or is unable to comply with job requirements, demotion may occur. An employee who is demoted is reduced to a position and grade that will accommodate the employee's knowledge, skills, abilities and performance level. The employee's pay is reduced by a minimum of 10% and placed at the appropriate step in the lower grade.

Employee Reclassification

From time to time, duties of an employee change to meet changes in technology, processes or customer expectations. When the employee's duties change, the department head can submit a request for reclassification form, with a recommended job title to the Director of Human Resources. If the reclassification is approved, the employee is assigned to the new class and grade with an

effective date agreeable to the Commissioners or appointing authority and the department head. This is normally done at the beginning of the fiscal year. A salary adjustment consistent with the new class and grade is made. Employee would receive a 5% increase (in addition to any other authorized salary increase) and would move to a step no more than 1 step back from their previous position.

If a reclassification warrants a two-grade increase, employee will receive a 5% increase and be placed at the appropriate step of the new pay grade.

Involuntary Transfer

An employee may be involuntarily transferred from one department to another or from one job classification to another. Involuntary transfers may be driven by:

- ❑ Technological change
- ❑ Lack of funds
- ❑ Lack of work
- ❑ Reorganization
- ❑ Reduction in force
- ❑ An employee's inability to obtain or retain necessary job-related certifications

Transfers resulting from a reduction in force are made after considering employee expertise, experience and length of service. Significant weight is given to performance evaluations most recently preceding the reduction in force.

An involuntarily transferred employee is moved to a position at the step closest but not greater than the current rate or the maximum of the pay grade and serves a probationary period of 6 months or 1 year for Sheriff's Office employees.

Position Upgrade

When a department head determines a position's duties have significantly changed, the department head recommends a review of the position for upgrade. A process is initiated to produce a position upgrade:

1. The employee completes a written job evaluation questionnaire form (available from the Human Resources Department), which is approved by the department head and submitted to the Director of Human Resources.
2. The Director of Human Resources conducts an internal job evaluation, and, as necessary, a market comparison. Based on this data, the Director of Human Resources determines any appropriate changes to the position's grade level for the position. The upgrade recommendation is forwarded to the Board of County Commissioners for final approval and implementation.
3. Once the upgrade is approved, any employee in the affected position is assigned to the new class and grade on a date agreeable to the County Commissioners or other appointing authority and the department head. Employee receives a pay increase of 5% and is placed in the new grade.
4. The upgrade process normally takes place in advance of the annual budget process so that any necessary funds can be included in the upcoming fiscal year's budget.

Promotion

Only occurs within the same pay scale (see Transfers). An employee is selected for promotion when they can demonstrate the appropriate skills, knowledge, abilities, past performance and experience for the vacancy. When an employee is promoted, their pay is increased to the new pay grade provided they meet the minimum qualifications of the position. The employee receives a promotional increase of minimum of 5%, and then placed in the pay grade of the new position. The new pay rate will not exceed the maximum of the new pay grade. Employee would receive a minimum of 5%

increase (in addition to any other authorized salary increase) and would move to a step no more than 1 step back from their previous position.

If a promotion warrants a two-grade increase, employee will receive a minimum of 5% increase and be placed at the appropriate step of the new pay grade.

A promoted employee serves a probationary period of 6 months (or 1 year for Sheriff's employee). Discipline or discharge of a probationary employee is not subject to the grievance procedures of the County's Personnel Policies & Procedures Manual.

An employee not successfully completing the probationary period may be subject to involuntary termination.

NOTE: Employee who transferred to a lower-graded position and later returns to a position in a higher grade, a second promotional increase will not be awarded. In this case, employee will be placed in the appropriate grade at the closest step but not greater than the current rate or the maximum of the pay grade.

Regular Part-Time To Full-Time Employment

If a regular part-time employee is hired full-time in the same position, they keep their current step and serve a new probationary period. However, the anniversary date would change to the full-time date of hire.

Voluntary Transfer

Any non-probationary employee may request a transfer to any other Cecil County Government department opening as long as they fully meet the required qualifications of the position and there is a vacancy. If the employee is transferred to an equal or lesser-paid position within the same pay scale, the employee will be placed in the grade and step closest but not greater than their current pay rate unless the current pay rate is above the maximum of the pay grade for the new job. In this case, the employee's pay rate is reduced to the maximum of the new pay grade. A transferred employee serves a probationary period of 6 months (or 1 year for Sheriff's employees).

If an employee transfers to a different pay scale, they are placed in Step 1 of the appropriate grade for the position.

Policy #HR-004

Subject: PAYROLL POLICIES

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-004 A: Payroll Period

The payroll period consists of two consecutive workweeks with each week starting Saturday at 12 a.m. and ending Friday at 11:59 p.m. Employees are required to complete a timesheet for submission to the Human Resources Department for calculation of hours to be paid. Timesheets are a legal document and must be completed accurately and timely. The hours paid are for the hours worked during the previous two-week period. Payday is every other Friday.

HR-004 B: Overtime

Work may be performed on an overtime basis to meet emergencies or other work situations that cannot reasonably be met during regular work hours. A reasonable amount of overtime is an acceptable alternative to hiring more employees. When overtime is assigned, you will be given as much advance notice as is reasonable. Because operating needs may change, you may not always be given advance notice of overtime. All overtime must be authorized in advance by your supervisor and documented, with justification for the overtime, on appropriate forms provided to the Human Resources Department.

Job descriptions indicate whether specific jobs are **exempt** or **non-exempt** from the overtime provisions of the Fair Labor Standards Act.

- ❑ Exempt employees are appointed as official, executive, administrative or professional and are not eligible to receive overtime compensation.
- ❑ Nonexempt employees are not appointed as noted above and are eligible for overtime compensation. Work performed by a nonexempt employee in excess of forty (40) hours per week shall be compensated by payment of overtime at the rate of one and one-half (1.5) times the regular base pay rate for the job performed. The availability of budgetary funds and the appointing authority will determine how hours will be compensated. However, all regulations as outlined by the Fair Labor Standards Act will be followed in the administration of overtime. The chart on the following page is used in calculation of overtime pay for full-time nonexempt employees.
 - If **offset** time is used in lieu of overtime for a non-exempt employee, the offset time must be taken during the same week (hour-for-hour) the employee works the extra hours.
 - If the offset time is given the 2nd week of the pay period, it needs to be taken at time and a half.
 - Offset time earned in the 2nd week of a pay period cannot be taken in the 1st week of the same pay period; it would be paid in accordance with the pay policy.
 - Offset time cannot be carried over into another pay period.

Department	Regular Overtime Compensation	Emergency Work	Call Out Pay
Roads, Landfill, Water & Wastewater Operators, Facilities Management & Permit & Inspection Inspectors	Time & ½ paid for hours worked in excess of 40 hours in a single workweek; time taken off for holiday and personal floating holiday hours are counted as hours worked	All paid absences will be counted as hours worked	Automatic 2 hours in overtime compensation for any call out situation
Sworn Law Enforcement (Patrol) Officers	Time & ½ is paid for hours worked in excess of 8 hours in a single day; if employee works any hours on scheduled day off, time & ½ is paid for those hours	Not Applicable	Not Applicable
Sworn Officers in Corrections	Time & ½ paid for hours worked in excess of 40 hours in a single workweek; time taken off for vacation, holiday, and personal floating holiday hours are counted as hours worked	Not Applicable	Not Applicable
<p>Emergency Services <i>[effective pay period starting 07/03/10]</i></p> <p>(12-hour shifts) Regular schedule is 7 twelve-hour days per pay period: 4 twelve-hour shifts (48 hours/week) and 3 twelve-hour shifts (36 hours/week)</p>	<p>Time & ½ is paid for hours worked beyond 40; time taken off for vacation, sick, holiday and personal floating holiday hours are not counted as hours worked for calculation of overtime pay.</p> <p>NOTE: If on leave for the whole pay period, 84 hours will be charged to accruals (48 + 36). Maximum of 48 hours will be charged to leave accruals in one week.</p>	<p>When covering an open shift or attending mandatory training beyond the regularly scheduled workweek, compensation will be paid at time and ½.</p> <p>NOTE: Any training attended that is not mandatory will be paid at a straight rate of pay, unless hours worked are over 40 hours in the week training is attended.</p>	Not Applicable
All other departments	Time & ½ paid for hours worked in excess of 40 hours in a single workweek. Time taken off for holiday and personal floating holiday are counted as hours worked	Not Applicable	Not Applicable

HR-004 C: Holiday Pay

Holidays falling within an employee's scheduled paid vacation or paid sick leave are counted as holiday pay and do not reduce the employee's leave balances. If an employee is on unpaid leave the day before or after the holiday, the holiday will not be paid.

24-hour public safety operations (Law Enforcement, Detention Center, Community Corrections, Domestic Violence Program and Emergency Services).

- 1) Employee scheduled to work on an observed holiday to meet operating needs is entitled to receive additional pay for up to 8 hours at the regular rate of pay or offset time within the same payroll period as the holiday; or
- 2) Employee scheduled off on an observed holiday is entitled to offset 8 hours of holiday time to be used within the calendar year earned. Holidays earned in the first half of the calendar year can be used between January through June; holidays earned in second half of calendar year can be used July through December. Accrued holidays will be forfeited if they are not used by the end of the calendar year. If a paid sick day is taken on the holiday, the holiday will be accrued and sick leave will be reduced.

Water & Wastewater

- 1) Employee required to work on any of the 6 major holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas) may elect to receive up to 8 hours holiday pay (if there is funding in the departmental budget) for those days in lieu of offset time.
- 2) Employee scheduled to work the non-major holidays is required to offset the hours within the same pay period or be paid for up to 8 hours at the regular rate of pay

Solid Waste Division

- 1) Employee required to work on the Friday after Thanksgiving Day may elect to receive up to 8 hours holiday pay (if there is funding in the departmental budget) for that day in lieu of offset time.
- 2) Employee scheduled to work the holiday is required to offset the hours within the same pay period or be paid for up to 8 hours at the regular rate of pay

All other regular full-time employees

Regular full-time employees are eligible for holiday time off with pay at a rate of 8 hours per holiday at their regular rate of pay provided that the employee would have worked on that day had it not been an observed holiday.

HR-004 D: Shift Differential Pay

Due to Cecil County Government's service responsibilities, some employees are required to operate on a shift basis. A differential is paid to compensate the employee for disruption to family life or normal day/night schedules. Shift workers are those non-exempt full-time employees who replace or are replaced by another employee in a 24/7 operation or are assigned to work on a shift basis (Facilities Management, Domestic Violence Shelter) and work a **qualifying shift**. The rate of shift differential pay is set by the Board of County Commissioners and may be adjusted from time to time.

1. Shift differential will be paid, on a prorated basis, to eligible full-time employees working only part of their scheduled qualifying shift due to use of vacation, sick or personal leave; and,
2. A qualifying shift means an established work period, regularly scheduled to meet required staffing levels, which must begin between 1400 and 0300 and is scheduled for an eight-hour duration or begins between 1800 and 0600 for a scheduled twelve-hour duration; and
3. Shift differential will not be paid for hours worked between 0800 and 1400 hours inclusive for 8-hour operations. Also, it will not be paid for hours worked between 0600 and 1800. These are non-qualifying shifts; and

4. If an employee works at least four (4) hours of a qualifying shift and is regularly scheduled for an eight-hour or twelve-hour workday, they shall be paid the shift differential rate in addition to any overtime payment for the hours worked in the qualifying shift.
5. Shift differential is not paid to an employee who works overtime while on paid leave, i.e., scheduled off on a holiday but works an overtime assignment.

Employees responding to emergency calls or temporary return to duty are ineligible to receive shift differential for those hours.

HR-004 E: Emergency Work

On occasion, employees may be required to work additional hours where the tasks to be performed, if left uncompleted, would create risk of danger or damage to Cecil County residents, visitors or property. Nonexempt essential employees called in and required by supervision to work emergency hours in excess of 40 hours per week will receive overtime compensation.

HR-004 F: Call Out

Certain Cecil County government employees have important safety-related duties during specific emergency situations. These include nonexempt, essential full-time employees of the Public Works, Facilities Management, Information Technology, and Permits and Inspections Departments. As required and monitored by the supervisor, these employees will receive an automatic two hours in overtime compensation at the one and one-half rate for any call out situation, to recognize and compensate employees for the disruption to their off duty schedules.

Policy #HR-005

Subject: PERFORMANCE APPRAISALS

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-005 A: Probationary Progress Review

During the probationary period, employees serve at the pleasure of the appointing authority and are subject to greater performance review, coaching, leave restrictions and correction.

- ❑ After three months and six months of employment as a new employee or after transfer to a new position, the immediate supervisor completes a probationary evaluation. The supervisor determines whether the employee's performance and development meet expectations. The supervisor provides the evaluation to the Human Resources Department.
- ❑ If the supervisor determines that performance is satisfactory, the employee has successfully completed the probationary period and is granted regular status in the ***classified system***.
- ❑ If the supervisor determines that performance is unsatisfactory or not meeting expectations, but believes that, with additional time, the employee's performance may become satisfactory, the supervisor may extend the probationary period for up to an additional six months.
- ❑ If the supervisor determines that performance is unsatisfactory and unlikely to meet expectations even with probationary period extension, employee is demoted or terminated.

Discipline or discharge of a probationary employee is not subject to the Cecil County Government Policies and Procedures Manual grievance procedures.

HR-005 B: Performance Appraisals

Once a year, each employee meets with supervision to discuss job performance and specific achievements. A sample of the appraisal is reviewed with new employees during orientation.

For employees who have completed their probationary periods, the immediate supervisor completes a performance appraisal reviewing prior year's performance on the anniversary date of the employee's employment. The feedback is discussed during a meeting between supervisor and employee, at which time the following items are reviewed.

- ❑ Accomplishments during the appraisal period
- ❑ Skills gained during the period
- ❑ Areas for improvement for the next appraisal period
- ❑ Rating for the current period and implications for compensation
- ❑ Performance expectations for the next appraisal period
- ❑ Development suggestions (e.g., training programs, developmental assignments, skills practice) to address specific areas of improvement

Employee should sign the appraisal after the discussion, signifying that the appraisal was reviewed and discussed. Employee may add appropriate comments to the appraisal. Employee receives a copy of the performance appraisal for their records. The original is forwarded to the Human Resources Department for maintenance in the official personnel file.

Supervisors are encouraged to have frequent informal performance discussions with employees throughout the year to guide performance towards and beyond expectations. Frequent feedback is critical to motivating and recognizing employee performance. Feedback is most effective in rewarding good performance or correcting performance problems if provided as soon after observed as possible.

For each employee, supervisors should maintain notes of specific observed accomplishments, commendations and performance shortcomings for the next formal appraisal period.

The following chart summarizes the major features of the different performance appraisal systems in use in County government:

	Performance Appraisal For Non-Public Safety Employee & Department of Emergency Services	Performance Evaluation Review for Sheriff's Office (Law Enforcement & Corrections)
Competencies or Performance factors	<ul style="list-style-type: none"> ▪ Team Player ▪ Job Knowledge ▪ Productivity ▪ Communication Skills ▪ Attention to Detail ▪ Adaptability/Flexibility ▪ Attendance ▪ Supervisory/Management Responsibilities (only rated for those who supervise others) 	<ul style="list-style-type: none"> ▪ Job Knowledge & creativity ▪ Attitude ▪ Communication ▪ Interaction with others ▪ Productivity & work quality ▪ Assertiveness & Motivation ▪ Problem solving/decision making ▪ Concern for quality ▪ Personal Growth ▪ Judgment ▪ Attendance
Performance Rating	<ul style="list-style-type: none"> ▪ Consistently Exceeds Expectations ▪ Exceeds Expectations ▪ Meets Expectations ▪ Needs Improvement ▪ Does Not Meet Expectations 	<ul style="list-style-type: none"> ▪ Commendable ▪ Satisfactory ▪ Needs Improvement ▪ Unsatisfactory
Pay Increase	Employee would be eligible for their next step. Ungraded employee would be eligible for a percentage increase based on the approved budget; Employee on the step-rated scale are also eligible for a lump-sum increase if over maximum of pay range, where funded and approved.	Employee would be eligible for their next step. Ungraded employee would be eligible for a percentage increase based on the approved budget; Employee on the step-rated scale are also eligible for a lump-sum increase if over maximum of pay range, where funded and approved.
Basis for Pay Increase	Employee rated below Meets Expectations will not qualify for an increase until performance improves.	Employee rated below 3 will not qualify for an increase until performance improves. Employee will be reevaluated in 60 days
Frequency of Performance Appraisal	A Probationary Progress Review for new/promoted employee is done at 3 and 6 months of employment. Non-probationary employee appraisals are done prior to their anniversary date	A Probationary Progress Review for new/promoted employee is done at 3 and 6 months of employment. Non-probationary employee appraisals are typically done prior to their anniversary date

Policy #HR-006

Subject: TIME OFF

Effective Date: 07/01/2010

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HR-006 A: Administrative Leave

Administrative leave with pay is authorized for, but not limited to, the following:

1. Serving Jury Duty - Employee must submit a Certification of Jury Duty to the Human Resources Department in order to receive pay for the leave. Employee must also give the supervisor adequate prior notice and provide satisfactory evidence of performance of those duties.
2. Serving as an election judge during hours that the employee is otherwise scheduled to work for the County. Employee may use 1 hour of administrative leave for each hour of service as an election judge, up to a total of 8 hours for each day of service. Employee must furnish satisfactory evidence that they served as an election judge on the day(s) for which they are charging the administrative leave.
3. Relief of duty pending:
 - a. An investigation of an incident or charge;
 - b. Removal from their position; or
 - c. A determination of their fitness for duty.
4. Attendance at an officially approved meeting, interoffice interview, conference, seminar, or training;
5. Subpoenaed as a witness in a work-related civil or criminal case or an administrative proceeding.
6. Subpoenaed as a witness in a civil or criminal case or an administrative proceeding unrelated to personal matters.
7. Under other circumstances where the County determines that granting administrative leave is in the best interest of the County.

The Supervisor/Department Head may place an employee on administrative leave until a determination of fit-for-duty is made. Employee is immediately removed from County premises if their behavior or performance endangers their health or safety, adversely affects the health or safety of others, or the ability to conduct County business pending receipt of a confirming medical opinion or other resolution of the matter up to 40 hours .

HR-006 B: Family and Medical Leave

Purpose and Definition – Certain life events may make it difficult for you to work. Federal law, under the Family and Medical Leave Act (FMLA), provides a means for employees to balance their work and family responsibilities by taking unpaid leave for certain reasons. FMLA is consistent with Cecil County Government's interest in promoting family stability and economic security. The FMLA provides an entitlement of up to 12 weeks of unpaid job-protected leave to eligible employees for the following reasons:

Basic Leave Entitlement

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter (under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence), or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform their job.

Military Family Leave Entitlements

- ❑ Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- ❑ FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Serious Health Condition – A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Eligibility – An employee is eligible to apply for FMLA leave if they have worked for Cecil County Government for at least one year and for 1,250 hours over the 12 months preceding the requested leave.

Requesting FMLA Leave and Providing On-going Documentation – To procure FMLA leave, an employee completes a Request for Family or Medical Leave form and submits it to their supervisor. Where the initiating reason is foreseen, the employee should provide 30 days advance notice. Where the leave is requested to attend to an emergency, the request should be made as soon as possible and no later than the 4th consecutive day of absence.

A Certification of Health Care Provider form is also required and must be submitted to the Human Resources Department within 14 days of submitting the leave request. The Human Resources Department will utilize this documentation to the extent necessary to make a determination regarding approval of FMLA usage.

Failure to timely submit the required forms will result in the FMLA entitlement being delayed.

Medical Certification Process – The Human Resources Department can communicate with the health care provider to authenticate or clarify the patient’s health condition as part of the certification process. In addition, if it is deemed that the Certification of Health Care Provider form is incomplete or insufficient, the Human Resources Department will provide written notice of what information is lacking to the employee and the employee will have seven (7) calendar days to respond.

Where there is a question regarding the Certification of Health Care Provider form provided by the employee, Cecil County Government has the right to require a second, and, as necessary, third medical opinion to justify or refute the need for the FMLA leave.

FMLA Leave – An employee approved for FMLA leave will be able to receive up to 12 weeks of job-protected leave (paid and/or unpaid) in a rolling 12-month period to manage the FMLA-qualifying event. An employee on FMLA Leave to attend to their own serious health condition or for a dependent that qualifies under the Basic Leave Entitlement is first required to exhaust all accrued paid leave time (sick, annual, and personal) and then the balance of the FMLA leave is unpaid time off.

Spouses working for Cecil County Government are both eligible for FMLA leave. However, the aggregate leave period for both employees may be limited to 12 weeks during any 12-month period if the leave is for birth of the employee's child, the adoption or placement of a foster child with the employee, or to attend to a sick parent.

Intermittent Leave - Time-off under this policy may also be granted on an intermittent or reduced schedule leave, subject to the guidelines in this policy and when medically necessary, in accordance with the provisions of FMLA. Employee approved to use intermittent FMLA leave must provide documentation of medical treatment with a prognosis date certifying their need for FMLA leave.

Benefits While on FMLA Leave - Employee will be able to continue their health benefits during the period of leave under the same conditions applicable to active employees. Employee will be required to continue their contribution for each pay period. The law further provides that the County may recover from the employee any premiums it pays if the employee fails to return to work after the leave period. There will be no accruals of annual leave or sick leave during this time. Use of FMLA leave will no longer be eligible for any perfect attendance awards effective January 16, 2009.

Fitness-For-Duty Certification – The County may require that the certification specifically address the employee's ability to perform the essential functions of their job; and, where reasonable job safety concerns exist, may require a fitness-for-duty certification before an employee returns to work after taking intermittent leave.

Return from FMLA Leave - Provided an employee returns as scheduled from FMLA leave, they are granted service credit for the period of their leave. If they are qualified and available to return to work, they will be reinstated to their same position and salary in effect at the beginning of their leave (plus the benefit of any applicable salary adjustment that may have occurred during their absence), or to a position of like status and pay, unless Cecil County Government's circumstances have changed so as to make it impossible or unreasonable to do so. If employee fails to return as scheduled, they will be terminated effective their last day covered by FMLA.

Employee Protections under FMLA - No employee will be discriminated against for proper use of leave afforded under the provisions of the FMLA. If an employee believes they have been unfairly treated for their use of time-off under FMLA, they should speak to their supervisor or to the Human Resources Department.

Cecil County Government will not interfere with, restrain, or deny an employee's exercise of rights under the FMLA. Questions or concerns that involve their rights under FMLA should be directed to the Human Resources Department.

Outside Employment During FMLA Leave – Employees on FMLA leave (paid and/or unpaid) are restricted from secondary employment including volunteer work.

FMLA Notices and Information - Each Cecil County Government department has FMLA notices posted that outlines provisions of the Act.

HR-006 C: Funeral Leave

If you are a full-time active employee (including probationary employee) and experience a death in your immediate family, such as parent (including step-parent), spouse, child (including stepchild and

legally adopted child), grandchild, brother, or sister, or death of anyone living in the employee's household, Cecil County government will pay up to 24 hours straight wages to cover scheduled work time lost due to the death in the family. This is meant to cover time from the notification of the death up to and including the date of the burial.

Eight hours of paid funeral leave will be granted to enable attendance at the funeral or memorial service of the employee's current father or mother-in-law, employee's grand or great grandparent. Annual leave may be requested if the employee requires additional time off to attend to matters associated with the death.

Employees should notify supervision of the death and need for time off to participate in final preparations as soon as reasonably possible. Employees must provide documentation of funeral services (obituary, funeral home booklet) with the timesheet to receive pay for this time off.

HR-006 D: Holidays

Cecil County Government observes the following as paid holidays off from work:

- | | |
|------------------------------------------------------|-----------------------------------------------------------|
| New Year's Day * | Columbus Day |
| Martin Luther King, Jr. Holiday | General Election Day (every other year) |
| President's Day (3 rd Monday in February) | Veteran's Day |
| Memorial Day (last Monday in May)* | Thanksgiving Day (4 th Thursday in November) * |
| Independence Day * | Day after Thanksgiving |
| Labor Day (first Monday in September) * | Christmas Day * |
| *Major Holiday | |

The actual calendar dates that will be scheduled and observed by the County as holidays will be announced at the beginning of each calendar year. From time to time, the Board of County Commissioners may add or delete paid holidays.

HR-006 E: Medical Leave of Absence

Employees, who exhaust their FMLA leave, or their absence does not qualify under FMLA or they are ineligible for FMLA, may apply for a Leave of Absence. This leave may be with pay (if the employee has unused sick, annual or personal leave) or without pay (if the employee has exhausted all available paid leave). A written request must be submitted for approval by the employee's supervisor, and, subsequently, the Human Resources Director. (See Benefits while on Leave without Pay)

If granted, the maximum amount of extended leave available to the employee is based upon most recent length of continuous service with the County at the time the original paid sick leave commenced, as follows:

Amount of Service	Maximum Duration of Extended Leave in a rolling 12-month period
Up to 2 years	1 month
2 years to 4 years	2 months
4 years to 6 years	3 months
6 years to 8 years	4 months
8 years to 10 years	5 months
Over 10 years	6 months

If the employee's application for extended leave is rejected, or upon completion of the maximum approved extended leave, and the employee has not returned to work, the employee may be

terminated or, if eligible, may apply to be placed on disability status under applicable provisions of the pension/retirement plan for which they are eligible.

Benefits while on Leave without Pay - During any full month an employee is on approved leave, any salary increases and fringe benefits, (other than insurance), provided by the County, such as sick and annual (vacation) leave accrual, paid holidays and other paid leave, shall cease until the employee returns to active work with the County. The selected insurance coverage(s) shall be continued while the employee is on leave status as long as the employee pays the contribution(s). At the time of exhaustion of approved leaves and termination of employment, health insurance coverage(s) may be continued only if the employee contributes to its cost in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Reinstatement from Leave - Where reasonable, an employee returning from a medical leave of absence will be reinstated to the position the employee held prior to the leave, with past credited service and at the same pay level, provided that the employee has met all provisions of the authorized leave. However, Cecil County Government does not guarantee reinstatement to the same position held prior to the medical leave of absence and may place the employee in another County position, as available.

Failure to return from leave - An employee who fails to return to work on the approved date will be terminated from employment. Additionally, if Cecil County Government determines that the employee has violated County policies during the leave, the Appointing Authority may notify the employee that the medical leave has been terminated, that the employee must return to work, or that the employee's employment has been terminated. If eligible, employee may apply for disability under applicable provisions of the pension/retirement plan for which they are eligible.

HR-006 F: Military Leave

Cecil County Government complies with the Uniform Services Employment and Reemployment Rights Act (USERRA) and strongly supports employee military service to the state and the nation.

To ensure proper treatment under these laws, including grant of military leave, an active employee who is a member of the Uniformed Services must provide the supervisor with official notification from the appropriate military authorities (official military orders). Military leave coverage includes the following:

- ❑ **Annual Training Duty** (limited to 15 days in one calendar year): Eligible employees are granted military leave with pay not to exceed 120 hours. Actual payment will be the amount of the employee's regular base salary for work time missed (up to 120 hours), less the gross military earnings. To ensure prompt payment for the leave, the employee must submit appropriate documentation on the military leave and earnings statement to Human Resources within 30 days of the leave.
- ❑ **Extended Leave** (in excess of 15 days): Written requests for military leave in excess of fifteen days must be submitted to the immediate supervisor. An extended leave will be treated as an unpaid leave of absence.
- ❑ **Active Duty** (Due to act of War or National Emergency declared by the President or Congress): Employees who are called to active duty in one of the Uniformed Services will be paid the difference between the amount of their base salary and the gross military earnings. This amount will be determined upon receipt of an earnings statement from the military. The earnings statement must be received as soon as possible (not to exceed 3 months) in order to determine the payment due. Until the required documentation is received in Human Resources, the leave will be unpaid.

Continued Benefits While on Military Leave - While called to duty, employees who are enrolled in the health insurance or optional benefit plans are responsible for maintaining their contributions. Employees need to pay their contribution monthly directly to the County or, if they are continuing to receive paychecks from the County, contributions will be taken through payroll deduction.

HR-006 G: Paid-Time-Off or PTO (Regular Part-time Employees ONLY)

Effective 07/01/06, regular part-time (RPT) employees are eligible for PTO at 4 hours/month. These hours are awarded at the beginning of each fiscal year or prorated based on date of hire and can be used for holiday pay, vacation pay or sick leave pay. No rollover from one fiscal year into the next is allowed or if RPT is hired full-time. Payout will only be prorated for the months worked. Employee must take PTO hours to make up the difference in their regular work schedule (as reported to pension plan). The amount of hours paid in any two-week period cannot exceed the amount of hours regularly scheduled. PTO may be taken in 1-hour (or multiple) increments.

HR-006 H: Personal Floating Holidays

The Board of County Commissioners, at the beginning of each calendar year, announces the actual number of personal floating holidays. An employee who cannot report or needs to leave work for personal reasons shall inform his/her supervisor or other designated person in his/her area as soon as practical. If such notification is not received, the absence is considered to be unauthorized.

These holidays may be scheduled and used in one-hour increments and must be used in the year earned.

Currently, twenty-four (24) hours of personal floating holidays are awarded to employees on payroll as of January 1st; however, if employment is severed during the calendar year, employee is only eligible for a pro rata cash balance of the hours based on the amount of the year worked per the chart below. If more floating holiday hours are used than earned, a deduction of the hours will be made from the final paycheck.

Employee on payroll as of January 1 st	Employee who Terminates during the calendar year	Newly Hired Employee for the calendar year
Eligible for 24 hours to use anytime during the calendar year	January through April - eligible for 8 hours	January through April - eligible for 16 hours
	May through August - eligible for 16 hours	May through August - eligible for 8 hours
	September through December - eligible for 24 hours	September through December - ineligible for hours

HR-006 I: Personal Leave without Pay

On occasion, an employee may need to take a personal leave without pay. A personal leave might be approved for study, training and/or emergency, personal reasons, or for running in a primary or general election for a recognized political office.

A full time active employee who has completed the initial probationary period may request a personal leave of absence without pay to attend to personal, non-medical reasons. Employees are eligible for a personal leave after exhausting annual leave, but, for timing purposes, should make application prior to the annual leave actually being exhausted. A written application, which includes the nature, cause and duration of the leave, is submitted to the Appointing Authority via the Human Resources Department.

Personal leaves are granted at the sole discretion of the Appointing Authority. A personal leave is approved for a specific duration of not less than one week, nor longer than 6 months and is based on recent length of continuous service. Requests for less than one week can be approved by the

Department Head and submitted on timesheet. Employees serving an initial probationary period are not eligible for a Personal Leave of Absence.

Benefits while on Leave without Pay - During any full month an employee is on approved leave, any salary increases and fringe benefits, (other than insurance), provided by the County, such as sick and annual (vacation) leave accrual, paid holidays and other paid leave, shall cease until the employee returns to active work with the County. The selected insurance coverage(s) shall be continued while the employee is on leave status as long as the employee pays the contribution(s). At the time of exhaustion of approved leaves and termination of employment, health insurance coverage(s) may be continued only if the employee contributes to its cost in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Reinstatement from Leave - Where reasonable, an employee returning from a leave of absence will be reinstated to the position the employee held prior to the personal leave, with past credited service and at the same pay level, provided that the employee has met all provisions of the authorized leave. Cecil County Government does not guarantee reinstatement to the same position held prior to the personal leave and may place the employee in another County position, as available.

Failure to return from leave - An employee who fails to return to work on the approved date will be terminated from employment. Additionally, if Cecil County Government determines that the employee has violated County policies during the leave, the Appointing Authority may notify the employee that the personal leave has been terminated, that the employee must return to work, or that the individual's employment has been terminated.

HR-006 J: Sick Leave Insurance

A dependable work force is critical to meet County government operational needs. Cecil County Government promotes employee health through preventive medicine services provided by health insurance plans and the encouragement of healthy lifestyles and practices.

Cecil County Government also provides sick leave insurance to protect an employee and the employee's family from loss of income due to an employee's incapacitating illness or injury. Like an insurance plan, sick leave should be used only when needed, conserving sick leave in the event of a long-term illness or period of incapacitation.

1. **Sick Leave Insurance Accrual** – Full-time, active employees begin to accrue sick leave insurance at hire at the rate of 10 hours for each full month worked; however, they are unable to be paid leave until they have successfully completed their initial probationary period.
2. **Sick Leave Insurance Use** - Once an employee has completed the initial 6-month probationary period, sick leave may be taken in 1-hour (or multiple) increments, up to the employee's normal regularly scheduled shift, or for consecutive days up to the total number of accrued sick leave hours. The employee must provide notification to the supervisor prior to the beginning of the scheduled work shift. Sick leave may be taken for:
 - An employee's personal, non-work related illness or injury;
 - The period of physical incapacity associated with an employee's pregnancy;
 - **Sickness in Family** –
 - Non-FMLA absence: In a rolling 12-month period, an employee can use 48 hours of accrued unused sick leave for an absence that does not qualify for FMLA for the illness or injury of an individual living in the employee's household (or employee's parents). To be recorded on timesheet as SF- Sickness in Family. Absence will be counted as an occurrence.

- FMLA Approved: An employee can use unlimited accrued unused sick leave to care for the spouse, son or daughter (under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence), or parent, who has a serious health condition. To be recorded on timesheet as FMLA – SF
- ❑ **Physician’s Certificate** – An employee must submit a physician’s certificate to the Department of Human Resources if sick leave is taken in excess of three (3) consecutive work days and it should indicate an expected return to work date. An employee refusing to submit a physician’s certificate will not be entitled to paid sick leave.
- ❑ **Fit-for-Duty Certification** – Upon receipt of a confirming medical opinion requested and received by the County, the appointing authority may place employee in sick leave status pending corrective treatment or other resolution of the matter.
- ❑ **Scheduled Well Visit Absences** – There may be occasions where the use of accrued sick leave hours can be scheduled in advance for well visit appointments (i.e. Annual physicals, wellness testing, dental or vision exams etc.). Well visits that are scheduled and approved at least 48 hours in advance will not count as an occurrence. Scheduled well visit absences will be documented through the employee’s supervisor under established departmental practices and procedures (i.e. leave slip request). Scheduled well visit absences also apply to the 48-hours in a rolling twelve (12) month period for Sick Family advance notice of medical appointments. Employee should record on their time sheet SS for employee’s Scheduled Sick and SSF for Scheduled Sick/Family.

Use of sick leave for the above instances is subject to the County's approval. Management will closely monitor all sick absences and may request verification from the employee at any time.

An employee with an extended period of non-occupational illness or injury who exhausts accrued sick, vacation and personal leaves, may be eligible to apply for and receive additional leave from the **sick leave bank** to allow for continued time off for recuperation. Alternatively, the employee may be eligible for leave under FMLA or a leave of absence for medical reasons. (See *HR-006B: Family and Medical Leave Act*, page 22.)

3. **Supervisor Notification** - Appropriate notification of sick absences is critical to maintain proper staffing levels and meet County needs. An employee who cannot report to work for any reason shall inform his/her supervisor or other designated person in his/her area prior to the beginning of the scheduled starting time. An employee in a twenty-four hour operation shall provide notice a minimum of 2 hours prior to the start of his/her shift. If such notification is not received, the absence is considered to be unauthorized.

The employee must report absence on each subsequent day, as indicated above, until:

- ❑ Return to work;
- ❑ Conversion to Family and Medical Leave Act absence - Employee on long-term sick leave (paid and/or unpaid) must contact their department weekly for the duration of their absence.
- ❑ Placement on leave of absence - Employee on long-term sick leave (paid and/or unpaid) must contact their department weekly for the duration of their absence.

All absences exceeding 3 days require health provider documentation and should include an expected return to work date.

4. **Sick Leave Restrictions** - Given the critical nature of many of Cecil County Government operations, the supervisor may require the employee to provide written verification to the Human Resources Department from a health provider of the necessity of the absence prior to authorizing the absence. Sick leave for which the employee does not meet notification requirements or for

which the employee does not provide appropriate requested verification will be considered as an **unauthorized absence** and will not be paid.

The supervisor notifies the employee in writing when an absence is considered to be an unauthorized absence and forwards a copy of the notification to the Human Resources Department for inclusion in the employee's personnel file and documents the unpaid status on the employee's timesheet.

Outside Employment – Employees on sick leave (paid and/or unpaid) are restricted from secondary employment including volunteer work.

- 5. Accumulation of Absences** - An occurrence is defined as any sick leave absences from work including Sickness in Family (non-FMLA) or unauthorized absences in a rolling 12-month period that are not protected by FMLA or a Scheduled Sick Absence. Occurrences are counted in a minimum of 1-hour increments (or 1/8th of an occurrence) and are combined for disciplinary purposes.
- Consecutive days will count as one occurrence
 - Non-consecutive time off related to a single medical issue in a rolling 12-month period will be combined into a single occurrence with proper documentation;
 - Non-consecutive, non-related absences for less than one full day will be combined for disciplinary purposes.
- 6. Sick Leave Buyback** - Employees are expected to conserve their sick leave, accruing it as a hedge against an unanticipated illness or injury. Sick leave, therefore, continues to accrue during the period of the individual's employment.

An option to convert sick leave may be provided each October 1st, subject to Board of County Commissioners' approval. If offered, employees with more than 1200 hours of accrued unused sick leave as of the end of the prior fiscal year (June 30) may elect to:

- Convert hours in excess of 1200 hours to additional pay at 50% of the employee's June 30th base pay rate; or
- Retain the accrued unused sick leave for later use, or
- Save the accrued unused sick leave for application to the employee's pension under the applicable provisions of the pension plan.

- 7. Sick Leave Balance upon Termination** - Upon retirement, accrued unused sick leave may be applied to an employee's pension under applicable rules and regulations of the pension plan. Otherwise, accrued unused sick leave will be lost with termination of employment.
- 8. Transferring leave** - Provided there has been no break in service from resignation or involuntary termination, employees transferring from one County funded position to another may transfer their accrued unused sick leave.

HR-006 K: Special Administrative Limited Leave

In addition to the benefits available under Worker's Compensation Law, personnel who are injured in the line of duty shall be eligible for special administrative limited leave.

Special administrative limited leave is a benefit that may be granted to an eligible employee if the employee is disabled from work as a result of an injury or illness sustained in the performance of said employee's work. This leave will not be granted for absences or illnesses that may occur in performing normal office or clerical duties, but shall be restricted to absences or illnesses caused when performing uniquely dangerous governmental duties such as roadwork or law enforcement duties. Granting of this leave shall be discretionary to the Appointing Authority.

Special administrative limited leave may be granted only when all other leave has been exhausted including FMLA leave, sick leave, personal leave and annual leave. While on special administrative limited leave, an employee shall not be paid his/her wages or salary and shall not accrue retirement benefits, vacation, or additional leave time, but shall be eligible for continuing health care coverage for the employee and his/her spouse and/or children. Special administrative limited leave shall expire, if not sooner, no later than two (2) years from the date of relevant injury or illness.

An employee shall file a written request with the Director of Human Resources for consideration for special administrative limited leave. The request shall include the following: a detailed description of when, where and how the injury or illness occurred, a certification from a physician that the employee is unable to return to work, and a statement of when the employee's other forms of leave shall be exhausted. Upon receipt of the request, the Director of Human Resources shall have the request reviewed by his/her staff in a prompt fashion and shall also review the request with the employee's supervisor(s) and shall grant the request subject to final approval by the Appointing Authority if the following conditions having been met:

1. The employee sustained an injury or illness as a direct result of the performance of employment duties of a dangerous nature; and
2. The employee is unable to work as a result of the injury or illness; or
3. The employee is able to perform light duty; the employee has submitted a request to do so and is awaiting approval to return to work.

An employee on special administrative limited leave shall be required to submit continuing medical reports of his/her status and ability to return to duty as required by the Director of Human Resources which shall not be in less than 60-day intervals. Failure to provide such reports shall result in termination of the special administrative limited leave unless the Director determines that the employee has used his/her best efforts to obtain such an updated report but, through no fault of the employee, has been unable to do so. The employee shall submit to an independent medical evaluation when requested by the Director to do so.

Upon notification of approval, special administrative limited leave will expire on the earlier of:

1. The date the Director terminates the leave for failure to provide updated medical reports;
2. The date when the employee's medical practitioner or an independent medical examiner certifies that the employee may return to full or light duty and if light duty, the employee has been notified that light duty is available;
3. The earliest effective date on which an employee who is approved for a disability retirement may retire;
4. The date when the employee fails to comply with any reasonable directive of the Director;
5. The expiration date indicated on the notification of approval given to the employee. If no such date is stated, this leave shall expire no later than two (2) years from the date of the injury or illness.

The County will be subrogated to the rights of the employee to the extent of the costs of any benefits provided. If, within 90 days after such leave has been granted, the employee has not made a claim against a responsible third party, the County may make a claim or join in an action against said third party in its own name for its own benefit. Any action brought by the County under these circumstances will not bar any other claim the employee may choose to make.

HR-006 L: Severe Weather Conditions & Unforeseen Designated Emergencies

Cecil County Government provides essential services to the public and it is critical that departments and agencies are open for business as scheduled. During severe weather events, you have a continuing obligation to report for work as normally scheduled and at other times as required by your supervisor. If operating conditions require that you report to work, you are expected to do so.

Cecil County Government also realizes that at times adverse travel conditions resulting from a severe storm may compromise employee safety. Whenever severe weather prompts state and local officials to issue traveler's advisories in Cecil County, the Board of County Commissioners will determine the operational status of Cecil County Government as:

- **Delayed Opening** - Employees must use their accrued unused annual leave, personal leave, leave without pay or make up the hours in the same week for the time not worked. However, if an essential employee does not show up for work, he/she may be subject to disciplinary action for failing to report.
- **Open** - all personnel required to report as scheduled.
 - Employees failing to report to work shall be charged annual leave, personal leave or leave without pay for the entire day as appropriate without the normal prior arrangements with their supervisor. However, this requires the concurrence of their supervisor.
 - Employees who report to work late shall be charged annual leave, personal leave or leave without pay for the hours not worked.
- **Open, with *liberal leave*** in effect for non-essential county employees. Liberal leave allows non-essential employees to use personal or annual leave if storms, severe weather conditions and/or unforeseen designated emergencies prevent them from reporting to work on time or not at all. However, employees must report their tardiness or absence to their respective supervisor.
- **Closed** – if or when the Board of County Commissioners closes business due to inclement weather or other designated emergency:
 - Nonessential employees are required to use their accrued unused annual leave, personal leave, leave without pay or make up the hours in the same week for the time not worked.
 - Nonexempt, full-time essential employees who do not report for work shall be charged annual leave, personal leave or leave without pay for the time not worked and may be subject to disciplinary action for failing to report to work.
 - Nonexempt, full-time essential employees, who are required to report to work, or at work when the Government closes, will not receive additional compensation for hours worked during closure.

Some full-time nonexempt, nonessential employees who, are not generally required to respond to emergencies may be designated as Temporary Essential employees for a period of time by their Department Head and are required to respond. However, employees will not receive additional compensation for hours worked during closure.

Television, radio stations and/or supervisor's notification will be used to disseminate weather-related announcements as well as the County's website, www.ccgov.org.

HR-006 M: Vacation

Cecil County Government grants annual leave (vacation) to provide you with a period of rest and recreation and to attend to personal matters.

Eligibility - Full time, active employees begin to accrue annual leave at hire for each full month worked, however, are unable to be paid leave until they have successfully completed the probationary period³. The rate at which employees accrue annual leave is based on their length of service with Cecil County Government per the chart below.

³ Sheriff's Office sworn employees may use annual leave after six months of continuous employment, before completion of the 12-month probationary period.

Service	Leave Accrual
Less than 5 years	8 hours/month worked
More than 5 years but less than 15 years	12 hours/month worked
More than 15 years but less than 20 years	14 hours/month worked
More than 20 years	16 hours/month worked

Scheduling - Annual leave is generally granted at the convenience of the employee; however, the needs of the employer must be considered as paramount. Employees should normally submit requests to schedule annual leave to their supervisor at least two (2) weeks in advance. In the event of a scheduling conflict between two (2) or more employees within a department, the department head shall grant annual leave with consideration of the length of service of the employees.

Annual leave may be used in 1-hour increments or consecutive days at a time up to the total number of hours accrued and unused. Annual leave may be accrued to a maximum carryover of 240 hours from one fiscal year to the next. Accrued, unused annual leave in excess of 240 hours at the start of a new fiscal year will be forfeited. In certain circumstances vacation time (above 240 hours) may be carried over into the new fiscal year based on recommendation from the department head and final approval of the County Commissioners.

Transferring leave - Provided there has been no break in service from resignation or involuntary termination, employees transferring from one County funded position to another may transfer their accrued unused annual leave.

Settlement of leave balances on termination – Employee will be paid in a lump sum for any unused annual leave (vacation) accruals upon resignation, severance, discharge, or death. (Employees leaving County Government within their first six months of employment will not be paid out for accrued vacation). Payment will not exceed 432 hours (54 days).

HR-006 N: Workers' Compensation (effective 07/01/09)

Cecil County considers the safety of all employees to be of paramount importance. Cecil County Government makes every effort to ensure that the work place is safe and free from recognized hazards that could result in an occupational injury or illness. Employees at all levels are actively engaged in efforts to eliminate unsafe acts and conditions that could cause on-the-job injury or illness.

The first priority when an employee sustains a job-related injury or illness is prompt and effective medical treatment. Any employee who sustains an illness/accident while on the job is recommended to seek treatment by a physician chosen by the Board of County Commissioners of Cecil County. These physicians will provide treatment and referrals to appropriate specialists. These physicians will also provide all follow-up case management and fitness-for-duty determinations. The County and its Third Party Administrator will utilize the medical documentation to the extent necessary to make a determination regarding approval of the claim.

Workers' Compensation is a state program that provides, at no cost to employees, various benefits for employees who experience an occupational injury or illness that arises out of and in the course of employment in certain statutorily defined circumstances. Benefits include compensation for temporary or permanent disability and medical expenses. Survivor benefits may be provided following fatal injuries.

Reporting, Eligibility, and Receiving Benefits – The injured employee notifies his/her supervisor immediately, and after receiving any emergency attention, the employee who sustains an on-the-job injury or illness must complete a Risk Management Report of Incident and submit it to the Human Resources Department (Risk Manager) no later than the beginning of the next business day. Notification of the incident should occur as soon as possible after the incident. An employee is eligible for workers' compensation leave if an injury or disease which causes the employee to be disabled is compensable under Maryland Workers' Compensation Law; the employee is completely unable to work at their regular or modified duty job; and their inability to work is supported by sufficient medical evidence. The County's Workers' Compensation Administrator will review the information and determine whether the incident is *compensable* under State Workers' Compensation laws and regulations. If applicable, use of FMLA will be concurrent with any workers' compensation absences.

While this compensability determination is being made, the employee will use accrued sick leave (first) and then accrued annual leave to cover missed work time.

If the County's Workers' Compensation Administrator determines the injury or illness to be compensable under the Maryland Workers' Compensation laws, the County will pay the first 3 days (in addition to the date of injury/illness) of any compensable disability (per the medical documentation) as defined by the Workers' Compensation Laws and Regulations in full for any days the employee was normally scheduled for work. On the fourth day of compensable disability, the employee will be eligible for temporary total disability benefits as defined by the Maryland Workers' Compensation laws and regulations. The current law defines this benefit as equal to 66 2/3 of the employee's average weekly wage as defined by the Maryland Workers' Compensation laws and regulations (subject to the state mandated maximum for the year of injury).

If the injury or illness is determined to be compensable by the County's Workers' Compensation Administrator, all sick and annual leave used will be credited back to the employee's leave record. After reconciling payments from the County's Workers' Compensation Administrator, employee will receive all future payments directly from the Workers' Compensation Administrator for the duration of the employee's compensable work-related injury or illness as defined by the Maryland Workers' Compensation Laws and Regulations and will not receive a County paycheck until the employee returns to work.

Return from leave - Cecil County Government will make every effort to assist the employee in rehabilitation and ultimate return to work. Since work functions as a form of occupational therapy, employees are encouraged to return to work as soon as possible. Alternatives to hasten an employee's return to work in a temporary modified duty capacity provided there is temporary modified duty work available. If an employee refuses an offer by the County of modified duty, the employee will not be reimbursed for any personal or unpaid leave that the employee has used.

The County may place another individual in a position that is vacant during an employee's extended recuperation from a workplace injury or illness. Upon the employee's return to work, the County is committed to place the returning employee in a similar comparable position, as one becomes available, at no decrease in salary. If an employee is not expected to return, and/or has exhausted all leaves for which he or she is eligible, the County or the appropriate Appointing Authority may terminate the employee or recommend that the employee apply for permanent disability status under the retirement/pension system, as appropriate.

HR-006 O: Unauthorized absences

Absence from any part of the work period for which the employee fails to properly notify supervision or fails to provide verification (i.e. no call, no show) will be considered an unauthorized absence and will not be paid. The absence will be considered as an occurrence.

Policy #HR-007

Subject: BENEFITS

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

Cecil County Government provides a variety of benefit programs that are designed to protect employees and their families as well as offer opportunities for employees to plan for future needs. Contact the Human Resources Department for additional information or review the **summary plan description** on a specific benefit plan. The Board of County Commissioners may make changes to the benefits available to employees from time to time in view of their fiscal responsibility to maintain a balanced budget and to be fiscally responsible for taxpayer funds.

HR-007 A: Accident and Disability Insurance

Cecil County Government offers a contributory payroll deducted Accident and Disability Insurance. This product can be customized to fit your individual situation.

HR-007 B: Blood Bank

Cecil County Government is a group sponsor of the Blood Bank of Delmarva. Membership benefits allow an employee and their dependents to receive whole blood at no charge. To receive benefits, the employee must donate blood when solicited or pay a fee.

HR-007 C: Cancer/Intensive Care Insurance

Cecil County Government offers a voluntary payroll deducted Cancer/Intensive Care insurance program. Each plan will be fully explained by an insurance agent so you can design the coverage that works best for you and your family.

HR-007 D: COBRA

Certain types of events may occur that would cause an employee and/or his or her dependents to lose group health coverage and/or their Flexible Spending Account. These events are:

- An employee's termination of employment for any reason except gross misconduct.
- An employee's reduction in hours to fewer than the number required for plan participation.
- An employee's divorce or legal separation from spouse.
- An employee's death.
- An employee's entitlement to Medicare.
- A child's loss of dependent status as defined under the plan.
- A retiree's (or a retiree's spouse's or child's) substantial loss of coverage within one year before or after the employee is subject to a Title XI bankruptcy proceeding.

When such events occur, the individual losing the group health plan coverage is offered the opportunity to continue their coverage for a period of time at their expense⁴. Employees are responsible for notifying Human Resources in the event of a divorce, legal separation, or children becoming ineligible under the County's group health insurance plan. This notification initiates a sequence of events culminating in notifying the qualified individual of their opportunity to enroll in COBRA coverage. Employees who terminate employment will be notified by Cecil County Government of their opportunity to continue their coverage. The Human Resources Department should be contacted for any further information.

⁴ This is provided in compliance with the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

HR-007 E: Credit Union

Employees may join the Thiokol-Elkton Federal Credit Union that offers checking and savings accounts; personal, automobile and home equity loans; and discounted admissions to area attractions. Optional payroll deduction with direct deposit to the Credit Union is provided for employee convenience.

HR-007 F: Deferred Compensation

Personal savings are an important component of future retirement income. Cecil County Government provides a tax-advantaged plan (under Internal Revenue Service code 457) in which a full-time employee can contribute a portion of their compensation for later receipt, thereby deferring income tax payments on that savings. To encourage participation, Cecil County Government provides a limited dollar-per-dollar match of up to \$375 (subject to funding) per full-time participant who is employed and contributing on the last pay of June. Employee must be on payroll when the disbursement is made to the provider in August. An eligible employee may enroll on-line or by meeting with the representative. Contact the Department of Human Resources for additional information.

HR-007 G: Dental Insurance

Employees participating in the medical insurance plan are eligible for dental coverage. The amount of coverage provided is based on the specific services rendered.

HR-007 H: Direct Deposit

Cecil County Government processes employee standard work time, overtime, expenses and premiums on regular schedules. For the greatest reliability in receiving paychecks, Cecil County Government encourages full use of direct deposit to any participating financial institution. Employees receive many benefits as a result of using direct deposit. In addition to benefits provided by many financial institutions to direct deposit customers, direct deposit ensures that pay is in the employee's account on the date of payment, does not rely on conditions which might impede the U.S. mail, does not depend on internal mail deliveries, and is generally free to the account holder.

For all employees hired after July 1, 2007, Cecil County Government requires the payment of standard work time, overtime, expenses and premiums through the use of direct deposit to any participating financial institution. However, an employee may request an exemption to the payment of wages by direct deposit, and must be notified of the right to request an exemption upon hire by Human Resources.

For employees who terminate employment with the County, their final paycheck will not be direct deposited.

HR-007 I: Employee Assistance Program

An Employee Assistance Program provides confidential counseling services at no cost to employees and their dependents. All full-time employees are eligible to use this resource. Services include adolescent counseling, substance abuse assessment and treatment referral, marital counseling, bereavement, or any issue involving the work place. Counselors are available 7 days/week, 24 hours/day.

HR-007 J: Employee Continuing Development

Cecil County Government encourages employees to develop work place skills for current and future assignments. Several enrichment benefits are available to support those full-time, non-probationary active employees who wish to continue to develop their skills. These include:

- ❑ **Training and Discussion Sessions:** Through the annual performance review meeting with the department head, an employee can plan the training and educational experiences that will support longer term career plans.
- ❑ **Educational or Conference Leave:** To attend those courses determined by the department head to be directly related and necessary to the work, employees may be granted education

leave with pay, not to exceed 2 weeks. Written requests for educational leave with pay, including the specific course and its duration, are reviewed and approved by the employee's Director.

- ❑ **Mandated Training:** With prior approval by the Board of County Commissioners, employees are reimbursed for reasonable expenses associated with attending mandated training. Prior to reimbursement, an employee agrees in writing to repay expenses paid by the County if the employee leaves prior to two years after completing the training. An employee who leaves prior to completing 2 years of creditable service must repay the expenses advanced by the County proportionate to the number of months shy of completing the 2-year period (e.g., employee leaving after 12 months must repay 12/24 of the expenses). The signed agreement allows the County to recover these expenses in an employee's final paycheck, as necessary. The Appointing Authority has the discretion to waive the reimbursement, as appropriate.
- ❑ **Tuition Reimbursement Assistance:** When funding is available and based upon discussion with the department head, an employee may elect to enroll in college or university courses *for credit* determined appropriate and necessary to the work or employee's development relative to County government positions. Written requests are reviewed and approved by the Director of Human Resources based on Department Head recommendation. Upon satisfactory completion of the course, the employee will be reimbursed provided that the employee received prior approval for the courses. In the written training agreement, the employee agrees to repay expenses or allow the County to deduct those expenses from the final paycheck, as necessary, if the employee leaves County employment within 6 months of course completion.

HR-007 K: Flexible Spending Account (FSA)

A Flexible Spending Account (FSA) is a benefit that allows you to pay for dependent care and most non-covered medical expenses (doctor's office co-pays, prescription, dental expenses and some over-the-counter drugs, etc.) with your pre-tax income. Employee can enroll during an open enrollment period each December with benefits starting in January and continuing on a calendar year basis.

HR-007 L: Health Care Coverage (Medical Insurance)

With rising health care costs, Cecil County Government's provided health care coverage is one of the most valuable benefits offered to employees and their families. Health care coverage covers a significant portion of the costs of eligible medical expenses arising from a personal illness or injury and, therefore, protects the employee and his or her family from resulting financial losses or hardships. Cecil County Government offers regular full-time employees a choice of 2 health care options through a third-party-administered, County-funded insurance program. All plans cover the same types of services and procedures. The plans differ with respect to the number of people covered per participant (individual, husband/wife, parent/one child, and family), deductibles and potential out-of-pocket expenses. The County pays 85% of the cost of these plans, with the employee contributing only 15% through payroll deduction.

Newly hired, eligible regular full-time employees may enroll and be covered in the plan within 45 days of continuous employment, depending on start date. Employees re-enroll during an open enrollment period each June for July 1st coverage.

Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees. Check with Human Resources for details.

HR-007 M: Life Insurance & Accidental Death/Dismemberment

To provide income replacement to your dependents in the case of your death, Cecil County Government pays the entire cost to provide a full-time active employee term life insurance benefit of one (1) time salary up to a maximum of \$50,000. The coverage amount is adjusted at the beginning of each fiscal year.

HR-007 N: Meal Allowance

A Cecil County Government employee who is required to work extended hours associated with job-related travel, seminars and conferences may qualify for a meal allowance. Amounts change from time to time: Employee is advised to check with their supervisor to verify the current amounts.

HR-007 O: Pension Systems

For an eligible Cecil County Government employee, retirement income will consist of a Social Security annuity, personal savings and investments, and pension. An eligible Cecil County Government employee participates in either the Maryland State Employees' Retirement and Pension systems or the Cecil County Pension Plan for Public Safety employees. Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees.

Check with Human Resources for details. Main features of the plans are listed on the following chart:

	Maryland State Employees' Retirement and Pension Plan (effective 07/01/11)		Cecil County Pension Plan for Public Safety Employees
Plan Features	Employed as of 6/30/2011	Employed on or after 7/1/2011	
Minimum Continuous Service	5 years	10 years	5 years
Employee Contributions	7% of base pay contributed through payroll deduction	7% of base pay contributed through payroll deduction	8% of base pay contributed through payroll deduction
Normal Retirement Eligibility	30 years of eligibility service regardless of age; OR Age 62 with 5 years of eligibility service	Rule of 90 – age and service must equal 90; OR Age 65 with 10 years of eligibility service	25 years of eligibility service regardless of age; OR Age 55 with 5 years of eligibility service
Eligibility Service (determines vesting and when you can retire)	Minimum of 500 regular hours worked in a fiscal year		One month is earned for each full month worked
Creditable Service (determines amount of benefit)	Earn one month of creditable service for each month of employment; May include periods of service in the Armed Forces of the United States		Earn one month of creditable service for each month of employment; May include periods of service in the Armed Forces of the United States
Normal Retirement Benefit	1.2% x average final salary up to 06/30/98, plus 1.8% x average final salary x creditable service after 06/30/98	1.5 x average final salary x creditable service	2% x Average Annual Compensation times each year or fractional year of Creditable Service, up to a maximum of 25 year (50% benefit)
Early Retirement Benefits	Age 55 and 15 years of eligibility service; reduction of ½% for each month (6% per year) by which retirement date precedes age 62.	Age 60 with at least 15 years of eligibility service.	Any age with 20 years of eligibility service; reduction of ½% for each month (6% per year) by which retirement date precedes age 55.
Service-Connected Disability Retirement Benefits	66 2/3% of average final salary plus annuity based on your accumulated contributions but not in excess of your average final salary. Benefits may be reduced by workers' compensation benefits payable when retired.		66 2/3% of average pay reduced, but not below 1/3, by workers' compensation or comparable benefits.
Cost Of Living Adjustment	Each July, to those annuitants since the prior July 1. When system earns assumed rate of return, COLA capped at 2.5%; capped at 1% in years in which it is not met.		Each July, to those annuitants since the prior July 1, based on the March CPI, to a maximum of 2%

HR-007 P: Personal Car Usage

With approval and authorization, employee may use their personal vehicle for traveling on Cecil County Government business. Generally, employee is reimbursed for tolls and parking expenses actually incurred. Mileage is reimbursed to cover such expenses as gasoline, oil, insurance and depreciation. Amounts change from time to time: Employee is advised to check with their supervisor to verify the current amounts.

When submitting mileage reimbursement requests, employee must deduct their normal commuting mileage traveled to and/or from work in situations where they did not depart from and/or return to their place of employment (i.e. left from and/or returned home instead of place of employment).

Mileage reimbursement is meant to cover only those miles incurred above and beyond the employee's normal commute to his/her place of business. Additionally, mileage should be adjusted in those situations where either the employee departs from work and then returns home or travels for business before coming to work.

When an employee travels for business on a day not scheduled for work and the business meeting or event occurs on a day not scheduled for work, then mileage need not be adjusted (not applicable to those employees "on-call").

HR-007 Q: Prescription Plan

A prescription benefit is included in the cost of the medical insurance plan. The maximum quantity of a prescribed drug ordered at a pharmacy is 30 days and 90 days through a mail-order program.

Prescribed Drug	Retail Pharmacy	Mail Order Program
Generic	\$10.00/prescription	\$10.00/prescription
Brand Name	25% up to a maximum of \$50.00/prescription	25% up to a maximum of \$75.00/prescription

HR-007 R: Sick Leave Bank

The Cecil County Sick Leave Bank is a voluntary program designed to provide additional sick leave to an employee who, as a result of a serious illness or off-the-job injury, exhaust their accrued paid leave. This program is completely voluntary on the part of the employee.

In order to contribute, an Employee must be actively working, and cannot be on any continuous leave (paid or unpaid), and contribute eight (8) hours of their sick leave to the bank during the open window period in January. The Human Resources Department notifies all employees in advance as to when the window will open. For an employee currently in the bank, an eight-hour day will automatically be deducted from their sick leave accrual unless the Human Resources Department is notified by the employee in writing that they no longer wish to participate. To receive leave from the bank, employee must contribute 8 hours each year.

For purposes of confidentiality, the Director of Human Resources serves as the administrator of the Sick Leave Bank and reviews all requests. Appeals of administrative decisions may be made to the County Administrator, whose decision shall be final and binding. To be eligible to draw time from the bank, an employee:

1. Must be a full time, regular employee.
2. Must have completed the probationary period and/or have completed 6 continuous months of employment with Cecil County Government.
3. Must contribute to the sick leave bank.
4. Must be unable to work due to a serious, documented, non-job related illness or injury. Absences related to elective procedures, or those for which the employee's physician indicates that he or she can perform "light duty" are examples of those that do not qualify.

5. Intermittent absences do not qualify.
6. Must have exhausted all other accrued paid (sick, vacation, personal) leave time. (Employee will not accrue leave for any month that they use the sick leave bank.)
7. Must have leave records that do not reflect a problem with past attendance problems or leave abuse.
8. Must complete the appropriate application (available from the Human Resources Department) and submit documentation from the health care provider.
9. Supervisor/Department Head must make a recommendation to the Human Resources Director for approval of application.

Employee is encouraged to apply for leave from the bank before they run out of their own leave if they anticipate being out of work for an extended period.

The Human Resources Department will notify the applicant as to the status of their request within 5 working days of receipt of application. If approved, employee will receive a maximum of 240 hours of additional sick leave from the bank. Any employee needing additional days must reapply. For any **off-the-job** illness or injury, an employee may not receive a total of more than 480 hours sick leave from the bank in a rolling 12-month period.

HR-007 S: Vision Care Plan

An employee participating in a medical insurance plan is eligible for vision coverage. This is a program that provides an employee and their dependents eye exams, new glasses or contact lenses.

HR-007 T: Voluntary Term Life Insurance

Cecil County Government offers a group life insurance plan that allows an employee to choose the amounts of insurance that best suits their needs. Group life insurance can also be purchased for the employee's spouse and dependent children, as desired.

Policy #HR-008**Subject: STANDARDS OF CONDUCT, PERFORMANCE & DISCIPLINE****Effective Date: 07/01/2010****Approved by: Board of County Commissioners****Revision Date: 09/01/2011****Overview**

This section describes Standards of Conduct & Performance applicable to all employees. These standards were developed to protect the well-being and rights of all employees and citizens. This section also describes general disciplinary approaches applicable to employees.

Cecil County Government has adopted and communicated Standards of Conduct and Performance to:

1. Clearly state expectations for all employees
2. Establish a fair, objective and consistent process for correcting or treating unacceptable conduct or work performance; and
3. Create distinctions between less and more serious infractions and create guidelines for appropriate responses.

Cecil County Government's values and employee policies summarize expectations for all employees as they perform their jobs. Supervisors and employees work together to develop clear expectations for specific job behaviors and performance. Cecil County Government expects employees to achieve results by acting in accordance with Cecil County Government's values. When you fail to meet these expectations, violate work rules, or otherwise act in ways contrary to our values, corrective action is taken to emphasize the performance gap and the need to comply with standards. The purpose of performance management, which includes regular performance reviews and corrective action, is to give specific feedback that allows you an opportunity to change behavior and improve job performance. When corrective action is taken, you are provided an explanation of the reasons for the action and what further corrective action you can expect if your behavior or performance fails to improve. You are also given an opportunity to present your view. Your failure to improve may result in further corrective action, which may include termination of employment.

Applicability

All employees are expected to comply with these Standards of Conduct and Performance Policy. Disciplinary policies, intended to encourage correction of inappropriate behaviors and when appropriate, suspend or dismiss employees, apply to all employees. Conduct which fails to conform to Cecil County Government values or expectations may be subject to accelerated discipline, as appropriate.

HR-008 A: General Performance Expectations for Employees

Along with the Standards of Conduct and Performance, there are a number of critical general expectations of all Cecil County Government employees. These pertain to any time employees are at work (including rest breaks, meal breaks, and any non-work times during the work day) or when otherwise representing the County in an official or work-related capacity. These are necessary for the continued success of the employee at work. General expectations are:

1. Timely and Regular Attendance: Employees are expected to report on time for each and every work shift. Any absences must be scheduled and approved in advance by supervision. Unexpected absences should be avoided: however, when unavoidable, employees should report an unexpected absence as soon as possible to the supervisor.
2. Dedicated and Efficient Service: While at work, employees are expected to attend fully to their assigned duties during their entire work shift. Distractions and personal business are to be minimized.

3. Satisfactory Work Performance: Employees have been carefully selected for each position based on their qualifications relative to the job requirements. As such, employees are expected to meet established performance expectations. Where conditions arise that prevent effective performance or completion of assignments, employees are expected to report such conditions to supervision. Where instructions are unclear, procedures are uncertain, or working conditions unsafe, employees are responsible for reporting these problems to supervision.

HR-008 B: Expectations for Supervisors

The supervisor's primary goal is to help employees achieve results while following Cecil County Government's behavioral values of **Teamwork, Flexibility, Accountability, Mutual Respect, Excellence and Open & Effective Communication**. Supervision's role is to describe, in clear terms, expectations for acceptable behavior and to model those behaviors. Additionally, supervision works with employees to set measurable goals, objectives and performance expectations for their positions.

Where the employee is unable or unwilling to either achieve results or follow the values, the supervisor's role is to manage the performance or restate/revise expectations to guide the employee toward success. Depending on the severity of the situation, the supervisor takes appropriate corrective action through the use of informal or formal means.

HR-008 C: Corrective Measures and Processes

To improve performance, supervisors use a number of corrective measures to reshape performance. These measures include coaching and counseling, performance review, disciplinary action issued through group offenses, corrective action plan, probation, suspension, demotion/reduction in pay, and/or removal from job. A documented performance improvement plan or corrective action plan is generally prepared and presented to you in connection with all measures except coaching and counseling. Supervisors are responsible for removing you immediately from County premises if your behavior or performance endangers your health or safety, adversely affects the health or safety of others, or the ability to conduct County business. Supervisors are expected to take such action immediately, without waiting to prepare associated documentation.

Most performance and behavior problems should be approached through **counseling** – that is, pointing out the problem behavior immediately to the employee and describing expectations for correction. Informal corrective action may take the form of a privately held counseling session or the issuance of a counseling memorandum or letter. During counseling, the supervisor and employee discuss what action plan is needed to improve performance or correct behavior. Together, the supervisor and employee establish goals and objectives to determine whether the employee has successfully corrected the problems. The supervisor generally documents the counseling session and resulting agreements in a memorandum maintained in the supervisor's files (not the employee's official personnel file).

Some infractions or performance shortcomings may have causes that are amenable to Employee Assistance Program (EAP) counseling. Supervisors consider referral to EAP prior to or in addition to applying corrective action. Referral to the EAP will not be considered a substitute for corrective action for a serious violation of Standards of Conduct and Performance.

When informal counseling has not resulted in the necessary improvements in behavior or performance, or when an employee commits a serious infraction of expected Standards of Conduct which compels skipping informal processes, **Disciplinary Action** may be used. Formal disciplinary action is accomplished by the issuance of a written notice.

HR-008 D: Group Offenses

No list can exhaustively include all types of rule infractions that interfere with safe, orderly and efficient County Government operations. However, to provide guidelines for disciplinary action, sample offenses are placed in one of three groups based on severity of the infraction. Each level is associated with progressively more severe personnel action and longer retention in the official record for subsequent infractions. These are illustrative but not all inclusive. The Agency Head has discretion to take action any time an employee's action is judged to undermine agency effectiveness. The following chart describes each Group Offense and provides some examples of infractions under each Group:

General Guidelines and Descriptions of Group Offenses			
	Group I Offenses	Group II Offenses	Group III Offenses
General description	Least severe offense. Correction required to maintain a productive work force.	More severe. One additional incidence normally warrants removal from the job.	Most severe. An act and/or behavior of such a serious nature that normally warrants removal without prior warning or counseling.
Procedure	Management issues a Written Notice Form as soon as practicable after the observed or identified behavior problem. Notice includes justification for the agency's charge of infraction, and the employee is provided a reasonable opportunity to respond.	Management issues a Written Notice Form as soon as practicable after the observed or identified behavior problem. Notice includes justification for the agency's charge of infraction, and the employee is provided a reasonable opportunity to respond.	Management issues a Written Notice Form as soon as practicable after the observed or identified behavior problem. Notice includes justification for the agency's charge of infraction, and the employee is provided a reasonable opportunity to respond.
Review	Human Resources Director	Human Resources Director	Human Resources Director
Consequences	Cumulative: 3 or more active Group I offenses may result in suspension without pay for up to 5 work days. A 4th Written Notice generally results in removal from job unless mitigating circumstances justify demotion, suspension for up to 30 work days and/or transfer. Employee may be placed on job probation for maximum of one year.	Discipline includes notice only, or notice and up to 10 workdays suspension without pay. One additional Group II offense generally results in removal from job unless mitigating circumstances justify demotion, suspension for up to 30 work days and/or transfer. One Group II offense with three active Group I offense generally results in removal from job. Employee may be placed on job probation for maximum of one year.	Discipline includes written notice and removal from the job, or notice and up to 30 work days suspension without pay in lieu of removal from the job, unless mitigating circumstances justify the use of demotion, suspension and/or transfer. Any additional written notice during active period of the offense may result in removal from job. Employee may be placed on job probation for maximum of one year.
Retention	Remains active for 2 years from date of issuance.	Remains active for 3 years from date of issuance.	Remains active for 4 years from date of issuance.

Sample Offenses and Infractions by Group

Group I Offenses	Group II Offenses	Group III Offenses
<p>Unsatisfactory attendance or excessive lateness</p> <p>5 Occurrences of sick leave absences that are not protected by FMLA and/or leave without pay absences.</p>	<p>Failure to report to work as scheduled (unauthorized absence)</p> <p>6 Occurrences of sick leave absences that are not protected by FMLA and/or leave without pay absences.</p>	<p>Consecutive unauthorized absence totaling 3 days or continuing unsatisfactory attendance (2 or more Group I attendance violations in a 1 year period)</p> <p>7 Occurrences of sick leave absences that are not protected by FMLA and/or leave without pay absences.</p>
<p>Abuse of County work time</p>	<p>Leaving the work site without permission or, for continuous operations, leaving work site prior to being replaced.</p>	<p>Unauthorized possession or use of firearms, dangerous weapons or explosives</p>
<p>Smoking in a County owned, leased and/or operated building, vehicle or property, customer or vendor premises in undesignated areas</p>	<p>Violation of safety rules (without creating risk of bodily harm), including failure to report a job related injury or unsafe condition</p>	<p>Violating safety rules resulting in a threat of bodily harm, including failure to report a job-related injury or unsafe condition</p>
<p>Unsatisfactory job performance</p>	<p>Failure to follow supervisor's instructions (insubordination), perform assigned work or comply with written policy</p>	<p>Participation in any kind of work slowdown, sit-down or concerted interference with County operations</p>
<p>Disruptive behavior, or obscene, harassing or abusive language</p>	<p>Refusal to work assigned overtime</p>	<p>Fighting or acts of physical violence, or threatening or coercing individuals associated with any County agency; workplace harassment</p>
<p>Unauthorized posting on or removal of notices from County bulletin boards or premises</p>	<p>Unauthorized use or misuse of County property or records</p>	<p>Falsifying any records. Such records include but are not limited to vouchers, reports, insurance claims, time records, leave records, or other official County documents</p>
<p>Minor moving traffic violation while using County or other public-use vehicle</p>	<p>Engaging in private business which constitutes a conflict of interest</p>	<p>Accumulation of 6 or more points on driving record that restricts employee from performing the job</p>
	<p>Taking anything of value for personal use with the implied expectation of acting on the gifter's behalf, rather than in the best interests of the County</p>	<p>Willfully/negligently damaging or defacing, or theft or unauthorized removal of, County property or records, or another person's property</p>
	<p>Selling or soliciting on County property without prior authorization from the appropriate appointing authority.</p>	<p>Use of alcohol or unlawful use/possession of controlled substances during working hours, on County premises or in County vehicles, and/or a positive test for drug and/or alcohol or refusal to test</p>
		<p>Failure to complete, receive or maintain job-related required training or certification</p>
		<p>Criminal convictions for off-the-job behavior</p>
		<p>Gambling on County property or during work hours</p>
		<p>Sleeping while on County work hours</p>

HR-008 E: Guidelines for Use; Mitigating Circumstances

Generally, specified corrective action should not be exceeded unless the offense is sufficiently severe to warrant immediate removal from the job. **Mitigating circumstances** may influence the agency head, Director of Human Resources, department manager and/or the appointing authority to reduce the severity of the action. Depending on the specific situation, mitigating circumstances may prompt consideration of demotion, transfer and/or suspension as alternatives to removal from the job. Where suspension in lieu of removal is used, the suspension will not exceed 30 workdays for a Group III offense or an accumulation of Group I or Group II offenses.

HR-008 F: Immediate Removal from the Job

Immediate removal from the job is warranted when an employee is unable to meet essential job requirements and, therefore, unable to perform the job. These include, but are not limited to:

- ❑ Loss of certification or license (including driver's license) required for the job;
- ❑ Incarceration or sentencing for period exceeding available leave time;
- ❑ Behavior that creates an imminent threat of danger to the employee, other employees or citizens.

An employee may be immediately sent away from the work area prior to receiving written notice. This will occur when the employee's continued presence (1) may be harmful to self or other employees or citizens, (2) impedes the agency's exercise of its functions, or (3) could jeopardize the agency's fulfillment of its duties to the public or to other employees. When this occurs, the employee receives written notice as soon as possible after removal and then given an opportunity to respond prior to being placed on suspension without pay or being permanently removed from the job.

An employee may also be suspended for up to 10 days with pay pending completion of an agency disciplinary investigation of employee misconduct or rules infraction. Time off is recorded as administrative leave with pay. The employee is notified of the suspension via a memorandum from the department head. The employee will be treated as follows depending on the investigation outcome:

1. Employee determined not to have violated Standards of Conduct: the employee returns to work as soon as possible after the resolution of the investigation.
2. Employee violated rules and discipline warranted: suspension begins as determined by the Department Head with past time on suspension changed to time off without pay.
3. Investigation unresolved after 10 days: employee returns to work pending a final decision unless immediate removal is warranted.

Suspension may exceed 10 work days when the employee is the subject of a pending court action or **official investigation** involving allegations of criminal violations on or off the job that undermine the employee's credibility and public trust. Once the court action or investigation is concluded, the employee may be disciplined or removed by use of written notice or may be reinstated. Employees are notified of the suspension through receipt of a memorandum from the department head.

Employees who are suspended from work shall not normally be allowed on agency premises, nor shall they be allowed to work except to fulfill previously scheduled court obligations or to file and process a grievance.

HR-008 G: Record Retention

Corrective actions have an active life and are retained in the employee's personnel folder as indicated in the chart on page 46. During the active life of the action, subsequent infractions will result in more severe disciplinary action. Written notices can be removed only if the action is vacated by the agency head or as part of grievance resolution. If vacated, the Director of Human Resources maintains the written notice in a separate confidential file. Once a written notice is no longer active, it is not considered in determining disciplinary action for a subsequent offense.

HR-008 H: Employee Pay and Benefit Status While on Suspension

The department head must notify Human Resources immediately when an employee is suspended without pay, and/or subsequent removal, demotion, transfer or reinstatement, to maintain accurate payroll records. The Board of County Commissioners, based on the recommendation of the Personnel Board, may return an employee to work with full, partial or no back pay. Any interim earnings the employee received while suspended offset back pay awards.

Health Insurance: Health insurance continues through the end of the month in which the suspension began. If the employee is reinstated in time to work half of the workdays in the following month, no break in coverage occurs. If there is a break in coverage, benefits will be available as with a personal leave of absence without pay.

HR-008 I: Excessive Absenteeism and Dependability

Cecil County Government provides vital services to the community. To provide reliable services, it is essential that employees dependably report for scheduled work shifts. Cecil County Government policies recognize that all employees will occasionally miss work shifts due to illness, injury or personal responsibilities. However, abuse of attendance policies – including repeated absenteeism, tardiness or leaving work early - compromises County operations and burdens co-workers. Attendance policy abuse violates Cecil County Government core values of Teamwork, Mutual Respect, Accountability and Excellence. Abuse of attendance policies cannot be tolerated and will be resolved decisively when it occurs.

Where poor attendance patterns are observed, supervision's goal is to encourage the employee to correct the behavior. If initial positive, informal discussions with the employee fail to correct an absence problem, supervisors proceed to take formal disciplinary actions outlined in the Group Offense policies.

While each case is handled individually, management is accountable for setting consistent and fair practices. In administering discipline factors such as employee's length of service, causes of absence and overall past attendance history may be considered.

Policy #HR-009

Subject: GRIEVANCE PROCEDURES

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-009 A: Overview

Cecil County Government is committed to providing an outstanding place to work. Part of this commitment is encouraging an open and honest atmosphere in which any issue, complaint, or question can be handled promptly, based on all the facts available. To meet this objective, Cecil County Government provides ways for you to discuss your concerns. You are free to raise issues or complaints without fear of retaliation or harassment. Cecil County Government is committed to resolving employment disputes in a fair, equitable and timely manner, protecting reprisals against employees and minimizing operational disruptions. This Grievance Procedure describes a multi-step process for eligible employees to follow to resolve certain concerns arising out of their employment with Cecil County.

HR-009 B: Applicability

The Grievance Procedures apply to classified employees. The Grievance Procedures are not applicable under the following circumstances:

1. Actions taken in accordance with the Law Enforcement Officers Bill of Rights.
2. Actions taken in accordance with the Correctional Officers Bill of Rights.
3. Supervisory determination of job responsibilities or assignments, and performance standards, as well as actual performance ratings. Such concerns may be brought to the Director of Human Resources.
4. Pay classifications approved by the Board or any other action taken per the direction of the Board of County Commissioners.
5. Adverse action taken against employees in their probationary period, contractual/personal services employees, or other employees exempted (excluded) in the Personnel Manual.
6. Non-selection for a position or for a promotion.
7. Oral and written warnings not filed within the employee's official personnel records.
8. An action that terminates "Acting" capacity or temporary pay.
9. Withholding a merit increase due to unsatisfactory performance.
10. Employee terminations or separations due to job elimination, reduction in force, reorganization, exhaustion of all approved leaves, or loss of funding.

HR-009 C: First Step: Discussion of problem; attempt to resolve

Our Grievance Procedure requires an employee to discuss the problem informally with immediate supervision as the first step. Issues should be discussed within 10 working days of the initiating action giving rise to the grievance.

If, after informal discussion and within the 10 working day period, the employee is not satisfied with resolution of the issue, the employee should document the grievance and submit it in writing to supervision. Within 3 working days, the supervisor will meet, discuss and attempt to resolve the grievance with the employee. After the meeting but within an additional 3 working days, the supervisor will submit a written response to the employee.

A formal grievance filed more than 10 working days after the action or incident giving rise to the

grievance or not submitted in writing will be time-barred.

HR-009 D: Second Step: Written grievance to Department Head/County Administrator

(Time barred if request not filed within 5 working days.) An employee may be dissatisfied with the immediate supervisor's decision regarding the submitted grievance. If so, the employee submits the written grievance within 5 working days to the second-line supervisor. This process may be pursued up the chain of supervision using the 5 working-day intervals up to an appeal to the department head. (Where the department head is the first-line supervisor, the County Administrator serves as the second level of appeal.) At each level, supervision will meet and discuss the grievance with the employee within 5 working days. After the meeting but within an additional 5 working days, the supervisor will reply to the employee in writing.

If, after pursuing chain of supervision level appeals, the employee remains dissatisfied with the resolution of the grievance, the employee may submit a written request for review by the County Personnel Board. This request must be submitted to the Director of Human Resources within 5 working days of receipt of the last supervisory level response. The written request must present:

- ❑ The employee's version of the facts giving rise to the grievance
- ❑ Any provisions of the Cecil County Government Policies and Procedures Manual alleged to have been violated by the action
- ❑ The employee's proposed action to resolve the grievance.

A written request for hearing submitted more than 5 working days following receipt of the last supervisory level response is time barred.

HR-009 E: Third Step: Review of Personnel Board; hearing, findings

The County Personnel Board is an independent body with broad representation that reviews the written record of the grievance, the employee's position regarding the grievance, relevant data and supervisor's (County Administrator's) analysis and recommendations. The Director of Human Resources presents all available written information and data to the Board. The Board reviews the written record of the case and may issue an administrative decision if there is adequate information. A letter of finding is issued to notify all parties of the Personnel Board's decision.

Hearings: Where warranted, the Personnel Board may grant a hearing. Granting a hearing is at the sole discretion of the Personnel Board, except where a loss of income has occurred (such as a suspension without pay, termination of employment, or demotion with a reduction in pay). In those instances, the employee is entitled to a hearing upon request. The Personnel Board may opt to forego a hearing and issue an administrative decision on a matter in which an agency has previously conducted a hearing on the same or substantially similar facts and an adequate written record is available for review.

Grievance hearings are held during normal working hours. The grievant and employee witnesses are paid for work time lost while attending the hearing. However, the County is not responsible for any expenses for witnesses called by the employee but not employed by the County. Hearings that have not been scheduled within 60 days of request (through no fault of the Board) will not be heard.

Hearing Process: The County Personnel Board convenes the hearing as soon as reasonably possible with the employee, the employee's representative (as requested), the appropriate department head, and witnesses with direct knowledge of the issue at question as called by either party. The County Personnel Board issues its findings in writing to the employee, the Board of County Commissioners, and the Human Resources Department within 10 working days of the hearing.

Possible Outcomes: The Personnel Board may consider any applicable matters and affirm, increase, decrease or cancel disciplinary actions taken. Included are terminations, suspensions, demotions, and written warnings that could eventually result in future suspension or termination. Employees encountering problems with any other aspect of their employment relationship, including matters specifically excluded above (See, Applicability), may seek redress through their immediate

supervisor, department head, or Director of Human Resources (one not being exclusive of the other). The decision of the County Personnel Board is final and binding on both parties.

County Personnel Board: The County Personnel Board consists of three members and an alternate. Three members constitute a quorum for conducting business and rendering a valid decision. Members serve a term as outlined below. Members are appointed as follows:

- Three members and one alternate chosen by the Board of County Commissioners with at least one member being a person working in the area of Human Resources Management with each to serve a two-year term.

The County Attorney represents management at Step Three hearings, as required. The Personnel Board also has access to legal counsel as warranted.

Process: The members of the Personnel Board elect a Chairperson for each matter they review. In the absence of a regular member, the alternate participates. The Director of Human Resources acts as the Executive Secretary of the Personnel Board and issues to all parties the notices of hearing (if applicable) and procedures to be followed.

Reinstatement Recommendations by Personnel Board: Where the Personnel Board recommends reinstatement of a separated, suspended, or demoted employee, Board of County Commissioners approval is required to award full or partial back pay for the period of separation or demotion as deemed appropriate.

HR-009 F: Time limitations

Employees must meet time limits to appeal to subsequent levels in the Grievance Procedure, otherwise their appeal is time barred and determined to be settled on the last answer of the County. If the County fails to respond within prescribed time limits, the employee may immediately appeal to the next level. If both parties mutually agree to extend time limits, appeals can proceed past time limits as prescribed.

HR-009 G: Employee Representation

An employee has the opportunity to be accompanied at each step in the grievance process by another fellow employee of their choice. The employee representative may accompany the employee at a Third Step Hearing. Alternatively, the employee may retain legal counsel at the employee's expense to attend the hearing. In either case, all meetings between the employee and employee's representative occur outside of working hours.

Policy #HR-010

Subject: HEALTH & SAFETY

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-010 A: Safety Policy Overview

Cecil County is committed to providing a safe and healthy work place, free of recognized hazards and staffed by employees fully trained on eliminating unsafe actions. Ultimately, all accidents are preventable. To maintain employee safety and minimize injuries, employees are expected to follow safety rules at all times, use care in all work activities and be alert for co-workers' safety.

HR-010 B: Safety requirements and responsibilities

The following covers general safety rules for all employees. Specific safety rules supplementing these rules may be posted in the work area or reviewed by supervision in periodic safety meetings.

1. All employees are responsible for following safe work practices and accident prevention.
2. Employees observing a potentially unsafe condition must report this immediately to supervision to allow for prompt remediation.
3. **All on the job injuries, regardless of how small or slight the injury must be reported to supervision.**
4. Employees must adhere to all instructions given by the treating physician or designated first aid personnel.
5. Each employee is responsible for maintaining a neat and orderly work area, free of recognizable hazards.
6. Employees must wear personal protective clothing and equipment correctly and as required. This includes:
 - a. Eye protection. Safety glasses must be worn at all times in areas designated by signs or supervision.
 - b. Hearing protection. Earplugs or muffs must be worn at all times in areas designated by signs or supervision. Non-work time in high noise areas is to be minimized.
 - c. Foot protection. Safety shoes covering the entire foot with steel toes must be worn at all times in designated jobs.
 - d. Hand protection. Work gloves must be worn when working in jobs so designated by the supervisor.
 - e. Other protective equipment. When necessary for the safe performance of duties, other types of protective clothing and equipment are to be worn as specified by the supervisor. This would include hard hats, safety vests, chemically protective clothing and respiratory protection.
7. Designated personnel will operate machinery and County vehicles only. All equipment and vehicles will be operated in accordance with safe operating procedures and instructions. Any employee who operates equipment or drives a County vehicle must adhere to the County Driver's Guideline policy. Supervisors may refer to the Policy for questions or policy clarifications or contact the County Risk Manager.
8. Protective safety guards are not to be removed from machines. If guards have been removed, they must be replaced before operating the machine.

9. Only authorized County maintenance personnel will perform electrical and wiring repairs and installations.

HR-010 C: Hazard Communication Program

The best protection an employee can have against hazardous chemical is information. As such, Cecil County Government has a Hazard Communication Program to provide information about hazardous and toxic substances in use in County work places. By referring to the information provided, employees can take appropriate precautions to minimize exposure.

The Hazard Communication Program includes container labeling, provision of Material Safety Data Sheets (MSDS), a chemical information listing, and employee training.

Labeling - All chemicals brought into Cecil County Government work facilities are labeled by the manufacturer with respect to the substances (trade names) and types of hazards they present. Labeling includes a color code and numbers or symbols. These represent the following:

Colors

Blue – Health

Red – Flammability

Yellow – Reactivity

White – Required Personal Protective Equipment (designated by a letter)

Numbers: Degree of hazard

4 = Severe

3 = Serious

2 = Moderate

1 = Slight

0 = Minimal

Posters are located throughout Cecil County work areas to help employees interpret identifying labels. Copies of MSDS are available for review in the Risk Manager's Office and other designated areas.

Employees are responsible for using only approved storage containers in transferring any substance from the original source. After transfer, the employee is responsible for placing the appropriate hazard warning label with the same information on the new container if not previously labeled. Employees are also responsible for being familiar with the location of the MSDS for the materials they commonly use to facilitate response in case of emergency exposure or spill. Employees should consult supervision with any questions regarding container labeling.

As with all safety regulations, compliance with the Hazard Communication Program is mandatory. Failure to comply may result in disciplinary action (Refer to Standards of Conduct and Performance & Discipline section).

HR-010 D: Alcohol, Drugs and Fitness for Duty

A. Overview

Cecil County Government promotes the safety and health of all employees and the public by having a zero tolerance policy on drug and alcohol use. Employee involvement with drugs or alcohol on or off the job may adversely affect job performance, compromise employee or public safety, or impair the public's trust in Cecil County Government to provide services. Participation in the County's testing program for controlled substances and alcohol is required for employees and is a condition of continued employment.

Cecil County Government prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol affecting the workplace. The purpose of this policy is to establish guidelines for maintaining a drug and alcohol free workplace in compliance with the Drug Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991.

This Policy is applicable to all employees (full- or part-time) when performing Cecil County Government business. Employees responsible for the safe operation of mass transit service (operation, maintenance, dispatch, or security) are covered by an additional Substance Abuse Prevention Policy for FTA Safety Sensitive Employees. Employees responsible for the safe operation of other CDL required equipment are covered by 21 CFR Part 40, as amended.

There are several foundations to the County's policy regarding drugs and alcohol use:

- ❑ Cecil County Government adheres to a "ZERO TOLERANCE" policy. This means that a verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.02 or greater will result in immediate removal from all duties and, barring any mitigating circumstances, termination of employment.
- ❑ Consistent with the Drug Free Workplace Act of 1988, all employees are required to notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring while employed within five days after such conviction. Failure to comply with this provision shall result in disciplinary action.
- ❑ An employee who refuses to cooperate with this policy shall be immediately removed from performing work and dealt with per the "Consequences of a Positive/Refusal to Test" section of this policy, and the disciplinary sections of this manual.
- ❑ The consumption of alcohol while performing work, or within 4 hours of reporting for work, is prohibited.
- ❑ Every new, and current employee will receive (and sign for) a copy of the Policies and Procedures Manual, which include this policy. Receipts are to be maintained and accounted for by the Human Resources Department.

The requirement for employees to be unimpaired by the use of drugs and/or alcohol while on the job in no way alters the County's commitment to assisting you with treatment, as needed. Employees are urged to access Cecil County's free, confidential Employee Assistance Program (EAP) for assessment and referral. Employees are responsible for seeking assistance before substance or alcohol abuse impairs judgment, work performance, or behavior.

B. Prohibited Substances

1. Under the Drug Free Workplace Act of 1988, any drug or substance identified in Schedule 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.
2. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.
3. Under certain conditions, when illegal and/or other drug usage is suspected, Cecil County Government reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the Cecil County Government Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures.

4. The appropriate use of legally-prescribed drugs and non-prescription, over-the-counter (OTC) medications is not prohibited. However, under Cecil County Government's authority, an employee must inform any physician prescribing medication that the employee is enrolled in a Drug Free Workplace Program.

C. Prohibited Conduct

1. Each employee is prohibited from consuming alcohol while performing work or while on-call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline up to and including termination.
2. Cecil County Government shall not permit any employee to perform or continue to perform work if it has actual knowledge that the employee is using alcohol.
3. Each employee is prohibited from reporting to work or remaining on duty while having an alcohol concentration of 0.02 or greater, regardless of when the alcohol was consumed.
4. No employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post accident drug/alcohol test, whichever occurs first.
5. If an employee has reason to believe he or she is unfit to perform work and voluntarily seeks treatment due to a drug and/or alcohol problem, the employee **must** contact the Director of Human Resources and request a temporary leave of duty. The employee will be tested prior to returning to duty. The County will not consider a request for assistance with a drug and/or alcohol problem, after an employee is required to report for testing. In any case, the employee would still be required to submit to any requested drug and/or alcohol test, and subsequently be terminated if positive test results are received.

D. Test Administration

1. Drug Testing Procedures
 - a. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability. The County's testing program will use techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Service (HHS) and are certified by the State of Maryland. The procedures will be performed in a private, confidential manner. Every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
 - b. After the identity of the donor is checked using a picture identification, a urine specimen will be collected using the split specimen collection method. Each specimen will be accompanied by a Chain of Custody and Control form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS and Maryland certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established.
 - c. The test results from the HHS certified laboratory will be reported to the Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO, or their subordinate, will contact the employee directly to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate

medical explanation is found, the test will be verified positive or refusal to test and reported to Cecil County Government's Director of Human Resources. If a legitimate explanation is found, the MRO will report the test result as negative to the Director of Human Resources and no further action will be taken.

- d. When an employee has tested positive for the use or abuse of any controlled dangerous substance, the County will, after confirmation of the test result, provide the employee, contractor, or other person with: (i) a copy of the laboratory test indicating the test results; (ii) a copy of this policy on the use or abuse of controlled dangerous substances or alcohol by employees; (iii) if applicable, written notice of the employer's intent to take disciplinary action and/or terminate employment, and (iv) a statement or copy of the statutory provisions permitting an employee to request independent testing of the same sample for verification of the test result. This information will be delivered to the employee either in person or by certified mail and within 30 days from the date the test was performed.
- e. Any employee who questions the results of a required drug test may request that the split specimen sample be tested. The split sample test must be conducted at a second HHS and Maryland certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The employee's request for a split sample test must be made to the Director of Human Resources within 72 hours of notice of the original sample's verified test result. Cecil County Government will ensure the cost for the split specimen test is covered in order for a timely analysis of the sample; however Cecil County Government will seek reimbursement for the split specimen sample test from the employee. While the employee is responsible for paying the cost of the split specimen testing, they will not be denied such based on inability to pay for the testing.
- f. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split specimen will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. Positive specimens will be retained in frozen storage for one year and the split specimen will also be retained for one year.
- g. A DOT covered employee who has a confirmed positive drug test will be referred to a Substance Abuse Professional.
- h. Collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Cecil County Government that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to Cecil County Government that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
 - iv. The temperature on the original specimen was out of range.
- i. Cecil County Government affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test results will not result in a cancelled test.

2. Alcohol Testing Procedures

- a. Tests for breath alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen (15) minutes after the completion of the initial test. The confirmatory test will be performed using a National Highway Traffic Safety Administration (NHTSA) approved EBT operated by a trained BAT.
- b. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- c. When an employee has tested positive for the use or abuse of alcohol, the County will, after confirmation of the test result, provide the employee, contractor, or other person with:
 - (i) a copy of the laboratory test indicating the test results;
 - (ii) a copy of this policy on the use or abuse of controlled dangerous substances or alcohol by employees;
 - (iii) if applicable, written notice of the employer's intent to take disciplinary action and/or terminate employment. This information will be delivered to the employee either in person or by certified mail and within 30 days from the date the test was performed.
- d. An employee who has a confirmed alcohol concentration of 0.02 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in the disciplinary section of this policy. An alcohol concentration of less than 0.02 will be considered a negative test. A DOT covered employee who has a confirmed alcohol concentration of 0.04 will be referred to a Substance Abuse Professional.
- e. Cecil County Government affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test results will not result in a cancelled test.

E. Types of Testing

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of training (including reasonable suspicion training) on the physical, behavioral, speech and performance indicators of probable alcohol and drug misuse every two years.

All employees may be tested for pre-employment, reasonable cause, post-accident, return-to-duty and follow-up. In addition, individuals who, by the nature of their jobs, are subject to drug and/or alcohol testing may be subject to random testing in addition to the other types of testing. The types of drug and/or alcohol testing to be provided are thus listed as follows:

1. Pre-employment:

- a. All applicants shall undergo urine drug testing within 90 days prior to performing work.
- b. All offers of employment shall be extended conditional upon the applicant passing a pre-employment drug test. An applicant shall not be hired unless the applicant takes a drug test and receives a verified negative result.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test shall disqualify an applicant for employment for a period of at least two (2) years.

- d. If an applicant's drug test is cancelled, Cecil County Government shall require the applicant to take another pre-employment drug test and receive a verified negative result.
- e. An applicant who receives a dilute negative test result will be required to retest. In such cases, the employment offer will be contingent upon the results of the second test.
- f. Applicants for temporary or part-time positions will be eligible to take a "rapid test" to permit an expedited start date.

2. Reasonable Suspicion:

- a. All Cecil County Government employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance or safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse.
- b. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug or alcohol test may be performed any time the employee is on duty.
- c. Cecil County Government shall be responsible for transporting the employee to the testing facility. The employee shall be placed on unpaid leave pending the test results. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on unpaid leave, pending disciplinary action.
- d. A written record of the observations that led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the Director of Human Resources and attached to the forms reporting the test results. Please note that Reasonable Suspicion does not exist if it is solely based upon a supervisor's intuition or hunch.
- e. If a reasonable suspicion alcohol test is required but not performed within two (2) hours, the reason for the delay must be documented. If not completed within eight (8) hours, attempts to administer an alcohol test shall cease. The documentation of the reason for the delay must be maintained.
- f. An employee who receives a dilute negative reasonable suspicion test result will be required to retest. In such cases, the employee will be placed on unpaid leave pending the test results of the retest.

3. Random:

- a. Applicable employees will be subject to random, unannounced testing. The selection of these employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.
- b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- c. The number of employees randomly selected for drug and alcohol testing during the calendar year shall not be less than the percentage rates established by Cecil County Government and federal regulation.
- d. Each applicable employee shall be in a pool from which the random selection is made. Each employee in the pool shall have an equal chance of selection each time the

selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.

- e. Random tests can be conducted at any time the employee is on duty.
- f. Employees selected for testing are to "Immediately Proceed and Report without Delay" to the appropriate collection site.
- g. An employee who receives a dilute negative test result will be required to retest. In such cases, the employee will be placed on administrative leave until the results of the second test are obtained.

4. **Post accident:**

- a. All employees will be required to undergo drug and alcohol testing if they are involved in an accident with a vehicle or equipment or whose performance could have contributed to the accident. This includes all employees that were operating the vehicle or equipment at the time of the accident and any other employee whose performance cannot be completely discounted as a contributing factor to the accident.
- b. Cecil County Government requires post accident drug and alcohol testing when medical treatment is obtained, or when there is damage to any vehicles, mobile equipment or property.
- c. Post accident testing procedures include the following:
 - i. As soon as practicable following an accident, as defined in this section, the supervisor investigating the accident will notify the employee of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
 - ii. The employee's supervisor shall transport the employee to the testing facility.
 - iii. The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours from the time of the accident for alcohol testing, and within 32 hours for drug testing. If an alcohol test is not performed within two (2) hours of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - iv. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
 - v. An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his/her location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
 - vi. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - vii. In the rare event that Cecil County Government is unable to perform a drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement, etc.), Cecil County Government may use drug and alcohol post accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement official must have independent authority for

the test and the employer must obtain the results in conformance within local law.

- d. An employee who receives a dilute negative post accident test result will be required to retest. In such cases, the employee will be placed on un-paid administrative leave until the results of the retest are obtained.

5. Return-to-duty:

- a. When an employee is on extended leave for a period of 90 days or more, regardless of the reason, the employee will be required to take a pre-employment drug test and receive a negative test result prior to performing work.
- b. As noted, Cecil County Government adheres to a “Zero Tolerance” policy, meaning a verified positive drug screen and/or confirmed alcohol screen with an alcohol concentration of 0.02 or greater will result in immediate removal from all duties and termination of employment.

HR-010 E: Workplace Violence

Cecil County Government strictly prohibits violence, threats of violence and/or any other forms of physical or verbal intimidation by employees, regardless of whether it is directed against coworkers, applicants for employment, or a third party against one of our employees. The County is committed to maintaining a safe work environment and as such has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

Definition: For the purpose of this policy the term “workplace violence” means any act or behavior, or threat thereof, intending to cause physical or which reasonably would intend to cause physical, mental, or psychological harm to a person or property, which is committed by County employees or third parties against County employees in the workplace. This shall include acts or threats via telecommunications devices and shall include violent illegal acts such as disorderly conduct, assault and reckless endangerment.

Prohibited Actions: (not all inclusive)

- Injuring another person physically;
- Engaging in behavior that creates a fear of injury to another person;
- Brandishing or using a weapon that is not required by the individual’s position while on county premises or engaged in county business;
- Intentionally damaging personal and/or County-assigned property;
- Intimidation, which includes but is not limited to stalking or behavior intended to frighten or coerce;
- Threatening to injure an individual or to damage property, regardless of whether the party communicating the threat has the present or future ability to carry out the threat;
- Committing injurious acts motivated by, or related to, domestic violence or harassment; and
- Retaliating against any employee who, in good faith, reports a violation of this policy.

Procedures:

All employees as well as third parties (relatives, vendors, citizens, contract personnel, former county employees, etc.) should be treated with courtesy and respect. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede to see what is happening.

- A. When the accused is known to be a County employee, the following procedures shall apply:

1. Any employee who believes they are the victim (or witness) to workplace violence is required to report the incident. If they believe there is immediate danger, they must contact 9-1-1. If there is no immediate danger, and after assuring their safety, they must report the situation to their first-line supervisor and/or department head so the situation may be diffused and investigated immediately. If the department head is the accused, the employee must report the situation directly to the County Administrator.
2. The department head, or County Administrator (if the offender is the department head), shall promptly take any steps necessary to diffuse the situation, and shall investigate and take disciplinary action if appropriate. The employee, who filed the complaint, as well as the alleged offender, shall be advised of the findings in writing.
3. Employees are encouraged to file a written complaint to report workplace violence, however, all complaints when known whether in writing or not, will be investigated. Accused employees shall have the right to submit a written statement which will become a part of the record of investigation. All complaints and internal investigation results will be held in confidence except to the extent necessary to diffuse, investigate, and take appropriate action.
4. If discipline is determined to be warranted, the County disciplinary policies will be followed.

B. When the accused is not believed to be a County employee, any employee who believes they are in immediate danger is encouraged to contact 9-1-1 and report the incident to the police. Again once the situation is diffused, they should follow the same steps in Section A1 above to notify their Department Head.

Any supervisor who receives a report or has knowledge of workplace violence must contact Human Resources immediately. Supervisors should positively state Cecil County Government's commitment to maintaining a workplace that is free from any type of intimidating, hostile, or offensive behaviors. This can be accomplished by ensuring all employees within your department are aware of the established policy and have attended mandatory training. In addition, employees should be made aware of the emergency contact numbers for all relevant personnel.

The Human Resources Department will provide periodic training/education to all employees and will provide information in new employee orientation.

Note:

In the event that an employee is sent for Employee Assistance counseling as a result of a workplace violence incident, the following applies: EAP counselors are prohibited by confidentiality regulations from disclosing information obtained from employees without their written consent. An exception to this prohibition, however, is if an employee specifically threatens to harm themselves or another person. In that case, the counselor generally will advise the employee that the information will be reported to appropriate authorities, regardless of whether a written consent is provided.

HR-010 F: Tobacco Use

The County has established the following regulations regarding tobacco use in the workplace:

- Tobacco use is prohibited in all County owned and operated facilities and vehicles.
- Tobacco use is prohibited inside all citizen dwellings and all commercial or industrial customer facilities serviced by County employees.
- Tobacco use is permitted at County government social functions only in designated smoking areas or outside, as governed by the regulations of the host facility.
- Tobacco use is permitted on County property, customer or vendor premises in specific designated areas.

- Visitors (including customers) to any County government facility, as well as employees, are expected to honor this policy and should be informed accordingly by the County representative receiving the visitor.

Supervisors and Directors are responsible for the implementation of this policy in the areas under their supervision.

Employees found in violation of this policy will be subject to corrective action, which may include discharge.

HR-010 G: Protecting Employees

Some employees may have on-the-job exposures to blood or other potentially infectious materials. The County offers those employees training on preventing bloodborne infections. Additionally, the County offers certain vaccinations (such as Hepatitis B) to these employees at County's expense.

Policy #HR-011

Subject: MISCELLANEOUS TOPICS

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-011 A: Personal Appearance

Cecil County Government expects employees to dress in ways that promote a favorable image of the County. All employees are expected to be dressed and groomed appropriate to the work environment. Employees may be required to wear uniforms, safety shoes or other safety equipment while at work. Failure to do so may result in a safety violation and employees will be dealt with accordingly. Employees in correctional positions may not wear any civilian clothing while on duty.

The County also recognizes that there are a number of employees with limited access to the public or for whom casual dressing is acceptable. Employees who are allowed to dress in business casual clothing are expected to wear neat, clean clothing without holes or tears and clothing which is not provocative or insufficiently covers the body. Employees are not to wear clothing with written messages or depictions. Additionally, for employee protection, appropriate footwear that will protect an employee's feet is required.

Where casual Friday dress is allowed, employees should refrain from wearing short shorts, flip flops, skimpy tops, or clothing that is not clean and neat. Due to the varied nature of the County Government offices, each department head may determine the dress code that is appropriate to their office using the guidelines cited here.

HR-011 B: Confidentiality of Records, Hearings and Meetings

Personnel records, applications for employment or promotion, medical records, performance evaluations, disciplinary records, letters of reference, scholastic records and other documents related to employees of Cecil County Government or applicants for employment with Cecil County Government are confidential in nature unless otherwise stipulated in state or federal regulations and are only to be made available to the person in interest (or his/her legally designated representative) or to the duly elected or appointed officials who supervise the work of the person in interest; or to those involved in disciplinary proceedings, or in compliance with a summons from a court or administrative agency.

Disciplinary hearings, grievance hearings, screening committee meetings to review applicants for employment or other meetings of a similar nature involving employee issues are not open to the general public. Exceptions to these principles can only be made with the written consent of the person in interest and the mutual concurrence of the proper County authorities.

HR-011 C: Employment References, Verifications of Employment

Requests for employment references or employment verification for any County employee must be immediately referred to the Human Resources Department. Human Resources will only respond to requests authorized by the subject employee. Information released will be limited to employee's date of hire, position title, and salary, unless the employee authorizes additional information in writing.

An employee who elects to serve as an employment reference for another County employee must be certain to state that such reference is being provided on a personal basis and not as an official representative of the County. Written references may not be provided on official County letterhead. The County assumes no liability for references made by an employee acting in an individual and personal capacity.

HR-011 D: Reporting of Claims

Subject to certain limitations and circumstances, Maryland law requires the County to provide information to the public upon request. Cecil County's loss control efforts are promoted by uniformity in responding to requests for information pertaining to litigation, claims and alleged losses. Information standards have been adopted for specific situations:

- ❑ Incident resulting in property damage and/or personal injury: Any employee involved in the incident and any employee witnesses complete a written report form and submit the forms to the Director of the Department (or the highest officer of the Department or Agency within which the employee is employed), with copies to the Risk Manager.
- ❑ Receipt of any notification of a filed or anticipated claim against the County or any of its agencies or departments: Any employee receiving notice of claim or suit papers should note the date of receipt on the papers, and immediately forward the documents to the Risk Manager with a copy to the County Attorney.
- ❑ Receipt of any summons to appear as a witness to testify or provide evidence or documents concerning any new or pending claim before any court or government agency: The employee should immediately contact the County Attorney and forward a copy of the summons to the County Attorney. (If the summons is relevant to a claim being defended by another attorney assigned by the County's insurance carrier, the employee shall instead contact the Risk Manager who shall forward the summons to the assigned defense counsel.)
- ❑ Receipt of any request for information involving any claim against the County, any of its departments or agencies (either verbal or in writing): The employee receiving the request should direct the requesting party to the County Attorney or to the Risk Manager. No information shall be provided without receiving approval from the County Attorney or assigned defense counsel. If such request is in writing, the written request shall immediately be forwarded to the County Attorney or assigned defense counsel for response.

HR-011 E: Employee Incentive Program

Various incentive and reward programs may be approved by the Board of County Commissioners to recognize employee performance and attendance. The Human Resources Department will inform employees of all programs available.

HR-011 F: Telephone Usage

Since a large part of our business is conducted on the phone, it is essential to project a professional telephone manner at all times. Though we realize there are times an employee may need to use the phone for personal reasons, please use good judgment in limiting the length and frequency of these calls. No long distance personal calls may be made without prior approval from your supervisor.

Cellular telephones (provided by the County) are for business purposes only, unless otherwise authorized by the department head. They are not to be used for non-work related communications except for in emergency situations. Employee must comply with all applicable laws regarding use of cellular phones. Employees in possession of County cellular phones are required to take appropriate precautions to prevent theft and vandalism. In the event it is determined that an employee has exceeded their rate plan minutes due to non-work related calls, the employee will be responsible for paying the additional fees incurred following a review of the bill by the Department Head in conjunction with the Human Resources Director. Payments are to be made to the Cecil County Treasurer's Office within 10 days of notice. Continued abuse of personal calls may result in the phone being disconnected as well as other disciplinary action. Cell phone model and rate plan will be determined by the consensus of the immediate supervisor, budget manager, and purchasing agent based on business need and cost effectiveness.

Personal cell phone use is not allowed during the work day; phones may be used during break times, but check with your department head, because there may be a separate policy based on where you work.

HR-011 G: Driver's Guidelines

Employees in some positions will be required to operate a County vehicle from time to time. Following is an overview of guidelines pertaining to operation of a County vehicle.

1. Employees operating County vehicles must have their driving record approved by the Human Resources Department, using the Motor Vehicle Administration's status and point system.
2. It is the responsibility of the employee to inform their supervisor and/or the Human Resources Director of any changes in their driving record.
3. The driving records of all employees who operate County vehicles will be reviewed by the Human Resources Department every two years, or as requested.
4. The Human Resources Department will administer a driver's safety course for all employees who operate County vehicles; this course must be completed every two years or, as required.
5. Employees will remain eligible to operate County vehicles as long as they remain employed by the County, hold a valid driver's license, have no more than five points on their driving record, and follow all Cecil County Motor Vehicle Operators Regulations, as listed below.

HR-011 H: Motor Vehicle Operators Regulations

The County Administrator and department head will approve the need for a vehicle assigned to a person and whether the vehicle is assigned for take-home use. The vehicle, whether for use during the working hours or for take-home use, is the property of the County and, therefore, subject to search or inspection at anytime by the appropriate management personnel.

1. You are responsible for obeying the laws of the state/jurisdiction in which you are driving.
2. No alcoholic beverages or drugs are permitted to be used or carried within the vehicle at any time.
3. Unauthorized personnel, including hitchhikers, are not allowed to ride in or operate the vehicle at any time.
4. You are responsible for operating the vehicle in a safe manner. Abuse of the vehicle may lead to suspension or termination.
5. Report accidents immediately to the following:
 - a) the police agency in the jurisdiction where the accident occurs
 - b) your Department Head and/or supervisor
 - c) the Risk & Safety Manager
7. Report mechanical problems as soon as possible to your Department Head/Supervisor and take the vehicle to the vehicle maintenance contractor for any necessary repairs.
8. Maintain the appearance of the vehicle, including removing litter.
9. Use all factory-installed safety equipment in the manner intended.
10. The following point system will also be in place

Status	Current Point Total	County Action
Valid	0, 1, 2, 3	Eligible to operate County motor vehicle
Valid	4, 5	Eligible to operate County motor vehicle; memorandum sent to Department Head/Elected Official making them aware of the situation and asking them to review it with employee.
Valid	6+	Cannot drive County motor vehicle. Memorandum to that effect sent to Department Head/Elected Official along with a copy of driving record. If not driving County vehicles limits an employee's ability to perform duties/job, said employee will be terminated.

Policy #HR-012

Subject: COMPUTING & ELECTRONIC COMMUNICATIONS POLICIES

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-012 A: Policy Objective and Intent

This Policy sets forth Cecil County Government's administrative procedures relating to the access to and use of the County's computer, e-mail, internet, and network infrastructure - including but not limited to smart phones (County and personal) during work hours. By establishing this Policy, Cecil County Government desires:

1. To ensure that individual and group behavior is consistent with the County's expectations and with the requirements to any applicable legislation and/or regulation; and
2. To ensure adequate and proper use of the County's systems, equipment and resources, so that the County's activities are carried out in a manner consistent with its mission to maintain, enhance and promote its image and reputation; and
3. To provide those who are affected by this Policy with the means and tools to fulfill their tasks, perform their activities, and assume their responsibilities in a fully effective manner.

HR-012 B: Scope and Applicability

This Policy shall apply to any user of the County's computer, e-mail, internet, smart phone and/or network systems including:

1. Any employee of Cecil County Government;
2. Any person who uses the County's computer, e-mail, internet, smart phone and/or network systems in the course of a contract, an exchange of services, a mandate, a training period, a cooperative undertaking or otherwise;
3. Any person having been given an access code or password by an authorized County representative for the purpose of using the computer, e-mail, internet, smart phone and/or network systems; and
4. Any client, supplier, subcontractor, visitor, volunteer or other person coming into contact with the computer, e-mail, internet, smart phone and/or network systems.

HR-012 C: Definitions

For purposes of this Policy and unless the context obviously indicates another meaning, the following words and expressions shall have the following meaning:

Chatting - To communicate in real-time between two or more users via the computer on the Internet. This is usually done in a chat room while typing.

Computer Resources and Computer System - Collectively or individually, hardware and software, as well as computer and telecommunications resources, provided to the user by the County, including computer equipment, telecommunications equipment, software, networks, data banks, information systems, information and data (text, visual, audio or other), located in or on any computer equipment or accessory, e-mail, internet and/or network systems.

E-Mail System - A system allowing the non-interactive communication of messages composed of text, data, images, or voice, between a sender and one or several receivers through telecommunications links.

Equipment - Any computer equipment or equipment which relates to the Computer System, including any computerized work station, computer (including a micro-computer and mini-computer, whether part of a network or not), printer, monitor, cable, keyboard, as well as any accessory and computer unit, including those used to receive, process, conserve, reproduce and transmit information or data; all e-mail equipment or relating to the e-mail system; and all equipment used to access or relating to the internet and/or network systems.

Instant Messages - A type of communication that enables you to create a private chat room with another individual in order to communicate in real time over the Lotus Sametime or the Internet, analogous to a telephone conversation but using text- based, not voice-based, communication.

Internet System - A system allowing access to the World Wide Web by telecommunications links using computer resources.

Network System - Video, voice and data network, including routers and storage devices, owned and/or maintained by the County.

Social Networking - including personal sites – a mediated communication that allows users to interact through chatting, send messages, email, video, voice chat, file share, participate in blogs and discussion groups (ex: Facebook, Myspace, Twitter and YouTube).

User - Any person employed or contracted by Cecil County Government or providing volunteer services to Cecil County Government.

HR- 012 D: Ownership

For the purpose of this Policy and notwithstanding the County's real legal status with regard to it, the computer system, or any part(s) thereof, which is made available to users shall be deemed to be the exclusive property of the County. Consequently, the user shall not have any right (real or presumed) of ownership, confidentiality, or privacy while using said system.

The County shall be deemed to be the exclusive owner of all information, messages, data and files in the computer system or emanating there from, in any form whatsoever (electronic, digital, printed, audio, video or other), whether or not such information, messages, data and files have been created, received or stored with the help of such system(s). Consequently, the user shall not have any right (real or presumed) to property, confidentiality, or privacy in regards to such information, messages, data and files.

HR-012 E: Installation, Repair, Removal and Maintenance of Hardware & Software

Requests for service shall be scheduled through the Information Technology (IT) Department. Any after normal business hour emergencies will still require direct communication with the IT Department.

HR-012 F: Personal Use

County owned and/or maintained computer systems are to be limited for County-related business. However, personal use is permitted so long as it conforms to this Policy and is on the user's own time. Personal use is not to interfere with job responsibilities or the performance of assigned duties and responsibilities. It shall not interfere with County operations or affect the efficiency or availability of the computer system. The user shall not have any right (real or presumed) to confidentiality or privacy in regards to such information, messages, data, and files.

HR-012 G: Email Use

The County's internal electronic mail (e-mail) system allows a user to send and receive messages from other County employees and from outside sources. All messages composed, sent, or received on the e-mail system are and remain the property of the County. Sending and receiving email is limited to County related matters. The County reserves the right to review, audit, monitor, access,

and disclose all messages created, sent, or received through the e-mail system. The user shall not create offensive or disruptive messages. The user shall not attempt to send messages anonymously or through sites that render them anonymous and intercede, read, or delete another user's message. The confidentiality of any message should not be assumed by the user. The user must be aware that even if e-mail messages are deleted they can be restored from the email archive server. Management may request access to employee's email account with due cause. The assignment of a County email address is a privilege that is not to be abused.

Any employee who violates this policy or uses the e-mail system for improper purposes shall be subject to disciplinary action as outlined in the Policies and Procedures Manual for Cecil County up to and including termination.

Users should use the County-wide distribution (all users) list for County business only. Bulk advertisement and mass distribution is prohibited for the following list (but is not limited to):

Personal solicitations	Political announcements	Birthday notices
Birth announcements	Fundraiser announcements	
Chain letter	Religious propaganda	

Users shall not distribute County-wide or other system distribution lists of County employees email addresses to third parties under any circumstances.

Email Disclaimers - An email disclaimer will be automatically attached to all out going emails due to confidential information contained in messages.

Junk Mail & Virus Filtering - The County, as a means to protect its computer systems and data, will scan all incoming emails for viruses. In the event that a virus is found, that email will be blocked and deleted. Junk mail filtering occurs when either the subject line or text contains inappropriate words.

HR-012 H: Prohibited Use

While accessing and using the County's computer system, users shall not, for any reason whatsoever, do any act, which constitutes illegal or unacceptable behavior. More specifically, but without limiting the generality of the foregoing, users shall not do the following, whether voluntarily or negligently. List includes but is not limited to:

1. Obtain, attempt to obtain, allow, or tolerate unauthorized access to use someone else's access code or password to access the computer system unless performing authorized installation, repair and/or maintenance duties.
2. Use his/her access code or password to access the computer system other than by means of the County's computer resources or from a location other than ones from where the County performs its operations without prior approval from their immediate supervisor.
3. Reveal his/her access code or password to a third party unless required for performance of authorized installation, repair and/or maintenance duties.
4. Conceal or disguise his/her real identity, that of their workstation, the equipment used or account upon accessing or using the computer system.
5. Waste computer related or other resources upon accessing or using the computer system.
6. Encrypt, code, render invisible or render inaccessible any electronic message, computer file or dossier relating to County business.

7. Initially create, install, transfer or download viruses, files or software containing viruses, or files or software dangerous for the integrity of the computer system which would cause a failure, whether partial or total, temporary or permanent, or a deterioration of the performance of the computer system.
8. Engage in computer pirating including the exchange of pirated software or any other illegal computer activities.
9. Copy, reproduce, transmit, distribute, publish or participate in the copying, reproduction, transmission, distribution or publication of any work (literary or otherwise), software, software component or documentation relating thereto, unless the copyright holder has expressly given authorization to do so or unless the user has valid title to current license entitling them to make a back-up copy thereof.
10. Transmit, by telecommunications or otherwise, any software or other information, technical or otherwise, digital, opinions or documents (e.g. texts, images, audio, video, etc.) thereby violating laws relating to export controls.
11. Install any software or software component (including updates and software corrections), connect any equipment or accessory on the computer system without the prior consent of the IT Department.
12. Modify, alter, or destroy data, software, software components, documents, information systems, and computer resources other than in the normal course of his/her functions or activities.
13. Access, publish, transmit, download, receive and send using via email or fax, print, copy, exchange or store or any support of any nature of digital information, opinions or documents (e.g. text, images, audio, video, etc.) which are harassing, discriminatory, abusive, offensive, inflammatory, malicious, threatening, hateful, violent, slanderous, fraudulent, racist, sexist, sexual, obscene, immoral or illegal. This specifically includes (but not limited to) information related and described as the following:

Criminal Skills	Hate Speech	Violence
Weapons	Gambling	Drugs, Alcohol & Tobacco
Sexually Explicit	Nudity	Pornographic
Personal & Dating	Religious/Anti Religion	Glamour & Intimate Apparel
Militants/Extremist	Computing/Internet Hacking	

14. Alter the hardware or software configuration of the computer system without prior consent of the IT Department.
15. Compromise or circumvent the security measures protecting the computer system, or exploit the weaknesses of such security measures, whether by direct or remote access.
16. Read or otherwise become informed of any electronic message or computer file destined to someone else without that person's permission.
17. Modify, alter or erase, or attempt to modify, alter, or erase all or part of the content of a computer or of a computer network belonging to someone else without the permission of such person.

18. Lead to believe, through the signature of his/her messages or otherwise, that he/she is expressing an opinion on behalf of the Cecil County Government unless duly authorized to do so.
19. Download sizable computer files, which may easily be obtained off-line.
20. Utilizing network bandwidth (internet and/or intranet) for non County-related business that significantly degrades the performance of other users.
21. Engage in virtual exchanges (on-line shopping), pyramid systems or computer games whether in real or deferred time, for purposes not benefiting the County. The County reserves the right to delete any such systems and/or games from any and all County owned and/or maintained computer systems. All on-line County purchases with a County credit card must have permission from an authorized County representative.
22. Send, publish, or provide access to any confidential information or document belonging to or concerning the County.
23. Access resources to use Commercial Instant Messages (IM) service (Commercial Instant Messaging services include but are not limited to, IM services provided by private/commercial companies such as Yahoo and AOL) for non-County related matters.
24. Access and/or engage in chatting and social networking.
25. Undermine the reputation of the County, its employees, clients, subcontractors and/or suppliers.
26. Access the computer system for political, charitable, trade union, or personal financial gain purposes or for the purpose of soliciting or promoting propaganda.
27. Sending or forwarding a document, to an external address, that has a Cecil County assigned retention policy.

HR-012 I: Outside Use

It is the County's general intent that any County owned and/or maintained computer equipment remain at the County location where assigned. However, upon need and authorization a user may take to his/her place of residence and use, for the sole purpose of the County and on a temporary basis any equipment that may be required to perform his/her County assigned duties and responsibilities, inasmuch as it does not affect the County's operations nor the efficiency or the availability of the computer system.

In all cases of external use, users shall remain fully bound by the terms of this Policy, shall be responsible for any equipment over which he/she is given control, and shall return any borrowed equipment to the County's place of business upon expiration of the time stated on the agreement with the IT Department.

HR-012 J: User's Obligations and Responsibilities

Users shall do the following:

1. Use the computer system in a prudent and conscientious manner, by respecting other users as well as their rights, reputation, privacy, obligations, needs and priorities.
2. Preserve any computer equipment from any dust, liquid, oily substance, paper clip or other debris which may hinder its proper operation.

3. Respect the access and use of internal and external networks and protect the integrity and confidentiality of the information and data of the computer system.
4. Request modification of his/her password, without delay, if he/she has reason to believe such password has become known to others.
5. Scrutinize any file downloaded with the anti-virus software provided by the County.
6. Regularly save important files on appropriate drive when required.
7. Respect the terms and conditions of the license of any relevant software.
8. Report to the IT Department any weak point which the user discovers or is aware of in regards to the security measures protecting the computer system.
9. Cooperate with the IT Department in order to facilitate the identification and correction of any flaw or problem affecting the access to or use of the computer system or the security thereof.
10. Report to his/her immediate supervisor any violation by anyone of any of the terms of this Policy including unauthorized use of his/her access code or password.
11. Subject to his/her constitutional rights, provide his/her full cooperation and any evidence required in the course of any investigation carried out by law enforcement personnel, the County's insurers, or by the County itself, in regards to the access or use of the computer system by the user or by any other person.

Users shall be responsible to the County in regards to all damages, losses or consequences:

1. Arising from an act carried out by any person to whom the User has voluntarily or negligently made an unauthorized disclosure of his/her access code or password allowing access to the computer system or the use thereof.
2. Caused, whether voluntarily or negligently, to any equipment of which the user has the custody and control.
3. Arising from the theft, loss or full or partial destruction of any equipment where such theft, loss, or destruction takes place in a location other than that in which the County carries out its operations and takes place when the user has the custody and control of such equipment.

HR-012 K: Social Networks and Blogs - including personal

- ❑ Professional expectations and guidelines for interacting with other employees, residents and the media apply. Employees are responsible for anything they post to social media sites, especially as it applies to the County.
- ❑ Protect confidential and proprietary information: Do not post confidential or privileged information about the County or its employees. Employees must still follow applicable Federal and State requirements. Adhere to all applicable county privacy and confidentiality policies including, sexual harassment, discrimination and employee privacy. Employees who share confidential or privileged information do so at the risk of disciplinary action which can include termination.
- ❑ Respect copyright and fair use: When posting, be mindful of the copyright and intellectual property rights of others.

- ❑ Do not use the copyrighted Cecil County seal or Department logos for endorsements: Do not use the copyrighted Cecil County seal or any other Cecil County images or iconography on personal social media sites. Do not use the Cecil County Government name to promote a product, cause, political party or candidate.

Government Social Media - If you post on behalf of the County, the following policies must be adhered to in addition to all policies and best practices listed above:

- ❑ Coordinate: Departments that would like to join social networks should contact the IT Department to ensure coordination with other County sites and their content. All County sites must have a full-time employee who is identified as being responsible for content for the department.
- ❑ Acknowledge who you are: If you are representing the County when posting on a social media platform, acknowledge this.
- ❑ Have a plan: Departments shall consider their messages, audiences, and goals, as well as a strategy for keeping information on social media sites up-to-date.
- ❑ Link back to the County: Whenever possible, link back to the County Web site. Ideally, posts are to be brief, redirecting a visitor to content that resides within the County Web environment. When linking to a news article about the County, check first to see whether you can link to a section of the County website.

HR-012 L: Respect of Retention Policies and Intellectual Property

While accessing and using the computer system, users shall at all times respect and protect intellectual property rights held by the County or by a third party, including copyrights, trademarks, industrial designs, patents, trade secrets, moral rights, contractual rights and licenses. Under no circumstances shall the user usurp or attempt to usurp all or part of such intellectual property rights, whether directly or indirectly and whether by copying or reproducing same or otherwise. Users shall understand and respect the Cecil County Retention Policies. Any documents that are assigned a retention policy must not be passed outside of the County Government without written consent of the County Administration Office.

HR-012 M: Rights of Cecil County Government

The County shall have full discretion to affect the following, without prior notice, if it does so in the ordinary course of its business and for legitimate reasons of management or of security:

1. Read, copy, reproduce, print, use, communicate, store, move, archive or destroy, in whole or in part, information, messages, files or data contained on the computer system or originating therefrom, whether or not such information, messages, files or data were created, received or stored by the user with the help of the computer system.
2. Monitor access to and use of the computer system by the user using any technical means whatsoever, whether such monitoring is carried out in real or non-real time and whether or not the user is aware of such monitoring.
3. Intercept or record any transmission, communication, or work session, even if the user is aware or not aware of such monitoring.
4. Access or open any encrypted, encoded, or password-protected message or file.
5. Temporarily or permanently interrupt access to and use of the computer system by the user if it is of the opinion that the actions of the user or the consequences of such actions are such that:

- a. They are or are likely to be of a harassing, discriminatory, abusive, offensive, inflammatory, malicious, threatening, hateful, violent, slanderous, fraudulent, racist, sexist, sexual, obscene, immoral or illegal nature.
 - b. They harm or are likely to harm the reputation of the County, its employees, clients, or suppliers.
 - c. They infringe or are likely to infringe any intellectual property right, title, or interest belonging to the County or a third party.
 - d. They cause or are likely to cause damages to any third party, or to its reputation or property.
 - e. They cause or are likely to cause problems affecting the proper operation of the computer system or damages thereto.
 - f. They breach or are likely to breach one or more provisions of this Policy or of other applicable policies, guidelines, standards, methods, security rules or regulations.
6. Provide its full cooperation and any evidence required in the course of any investigation carried out by law enforcement personnel, the County's insurers, victim's insurers, or the victim, in regards to any criminal offense or civil fault alleged against the user or a third party in connection with access to or use of the computer system.

Under no circumstance shall the County be responsible towards the user for any damages, losses, or consequences resulting from:

1. A voluntary interruption or a failure of the computer system.
2. An improper or negligent use of the computer system by the user or a third party.
3. The use by the user of equipment belonging to him/her.

HR-012 N: Disciplinary Actions

If a user fails to comply, in whole or in part, with one or more provisions of this Policy, the User may be subject to disciplinary action in accordance with the disciplinary actions outlined in this manual in addition to those imposed by law. Dismissal, at any time, is the sole discretion of the County.

Prior to imposing disciplinary actions, the County shall:

1. Provide the user in question with the opportunity to give his/her version of the events in regards to the improper behavior alleged against him/her and the circumstances surrounding such behavior; and
2. Take into account the following factors in regards to the improper behavior:
 - a. the seriousness thereof;
 - b. the damages caused;
 - c. the real or potential consequences to the County, its employees, clients, suppliers or property; and
 - d. the repetitive nature thereof.

If a violation of this Policy is committed by a third party not subject to this manual or other contract, the County reserves the right to cancel and prohibit access to the computer system and any location where the County carries out its operations, and/or termination of business with the third party or the organization of which he/she forms a part.

In all cases, the County reserves the right to institute proceedings against the user in question to obtain reimbursement of any expenses incurred and compensation for damages suffered resulting from a violation of this Policy.

HR-012 O: Confidentiality

Users shall be aware that public record statutes are very broad in their application. Certain information contained in electronic format may require disclosure if a request for public information is made. The County will comply with any lawful administrative or judicial order requiring the production of electronic files or data stored on the computer system in response to legitimate requests for discovery of evidence in regards to litigation.

Policy #HR-013

**Subject: SUBSTANCE ABUSE PREVENTION POLICY FOR FTA SAFETY
SENSITIVE EMPLOYEES**

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-013 A: Purpose, Applicability, Implementation & Training

1. Purpose

- 1.1 Cecil County Government's Senior Services and Community Transit, provides public transit and para-transit services for the residents of Cecil County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Cecil County Government declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 1.2 Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol free workplace in compliance with the Drug Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets the standards for the collection and testing of urine and breath specimens.
- 1.3 In some cases, Cecil County Government reserves the prerogative to utilize stricter policies or procedures than the U.S. Department of Transportation when such are believed to be in the best interest of the residents and employees of Cecil County Government. Any provisions set forth in this policy that are included under the sole authority of Cecil County and are **not** provided under the authority of the above named Federal regulations are underlined indicating it is a requirement of Cecil County Government for employment, and not required by the U.S. Department of Transportation.
- 1.4 It should be noted that Cecil County Government adheres to a "ZERO TOLERANCE" policy, meaning a verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and up to and including termination of employment.

2. Applicability

- 2.1 This Policy is applicable to all safety sensitive employees (full- or part-time) when performing any transit-related business. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee

who is required to hold a Commercial Drivers' License (CDL). Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety –sensitive positions that require the performance of one or more of the above mentioned duties is provided in this Policy. These positions are covered because the County has determined that the duties require or may require safety-sensitive duties. Supervisors are only safety-sensitive if they perform one of the above functions.

- 2.2 This Policy is also applicable to applicants and transferees, volunteers performing safety-sensitive duties, contractors, and grant recipients.

3. Implementation & Training

- 3.1 This Policy revision is effective November 7, 2007.
- 3.2 The Director, Department of Human Resources is the primary Designated Employer Representative (DER) for this Policy and the Human Resources Manager is the Secondary DER. The DER is responsible for:
 - 3.2.1 Scheduling drug and alcohol tests;
 - 3.2.2 Coordinating/disseminating test results;
 - 3.2.3 Managing procured services, including designating collection sites and assuring the integrity and compliance of delivered services;
 - 3.2.4 Reviewing data and submitting reports;
 - 3.2.5 Acting as central contact person for inquiries regarding this Policy or its implemented programs. Inquiries may be referred to subject matter experts for response;
 - 3.2.6 Reviewing verified test results and initiating actions on behalf of Cecil County Government.
- 3.3 The DER is responsible for identifying new safety-sensitive classifications and for providing all covered employees with copies of this Policy.
- 3.4 The DER is responsible for designing and delivering all required training and educational elements of the FTA regulations in a timely fashion to all covered employees/volunteers.
- 3.5 The DER is responsible for ensuring the ongoing compliance of the Policy with applicable laws and regulations (see "References").
- 3.6 Each new, transferred, and current covered employee will receive (and sign for) a copy of this document and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. Receipts are to be maintained and accounted for by the DER. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited substance use.
- 3.7 All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probably drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech and performance indicators of probably alcohol misuse.

HR-013 B: Glossary of Terms & Definitions

Accident. An occurrence associated with the operation of a revenue service vehicle even when not in revenue service or which requires a Commercial Drivers' License (CDL) to operate, if as a result of:

1. A fatality.
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, or
3. One or more vehicles or equipment incur disabling damage as the result of the occurrence and transported away from the scene by a tow truck or other vehicle.

For purpose of this definition, *disabling damage* means damage that precludes departure of any vehicle or equipment from the scene of the occurrence in its usual manner after simple repairs. Disabling damage includes damage to vehicles or equipment that could have been operated but would have been further damaged if so operated. It does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement without other damage even if no spare tire is available; or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

This definition represents the FTA threshold for an accident that would require post-accident drug and alcohol testing. Under its own authority, Cecil County Government tests covered employees for all accidents requiring medical treatment or any vehicle, mobile equipment or property damage. For accidents that do not meet the FTA thresholds, Cecil County will use non-DOT collection forms and procedures.

Adulterated Specimen. A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. An adulterated specimen is considered a refusal to test, and subject to the same consequences as a positive test result.

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration. Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device (EBT).

Alcohol Screening Test. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol Use. The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

At Work Agreement. An agreement between the employee and Cecil County Government which is signed after a negative return to duty test(s) and prior to being returned to work. It outlines the rehabilitation program, responsibilities and understanding of the employee as well as consequences for failure in the program.

Breath Alcohol Technician (BAT). A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled Test. A drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither positive nor negative.

Chain Of Custody . The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collector. A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).

Covered Employee. Any employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (see Appendix A for listing of Cecil County Government covered employees).

Designated Employer Representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655, as amended.

Department of Transportation (DOT). Department of the Federal government which includes the U.S. Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Dilute Specimen. A specimen with creatinine and specific gravity values that is lower than expected for human urine.

Disabling Damage. Damage that precludes the departure of any vehicle or equipment from the accident scene in its usual manner, after simple repairs. Disabling damage includes damage to vehicles or equipment that could have been operated, but would have been further damaged if so operated. But does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers, that makes them inoperative.

Drugs. The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Employer. A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with 49 CFR Parts 49 and 655, as amended. The term includes an employer's officers, representatives, and management personnel.

Evidentiary Breath Testing Device (EBT). A device approved by the NHTSA for the evidential testing of breath alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part. (The HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs are available on the Internet at <http://www.health.org/workplace> or from the Division of Workplace Programs, 5600 Fishers Lane, Rockwall II Building, Suite 815, Rockville, MD 20857.)

Medical Review Officer (MRO). A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge

of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant biomedical information.

Negative Dilute. A drug test result that is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test Result. A verified drug test result below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 for breath testing is a negative test result.

Performing a Safety Sensitive Function. A covered employee is considered to be performing a safety sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Test Result. A positive drug test is the verified presence of an identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited Drug. Marijuana, cocaine, opiate, codeine/morphine, phencyclidine, MDMA, or amphetamines at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Revenue Service Vehicle. Includes all transit vehicles that are used for passenger transportation service or that require a Commercial Drivers' License (CDL) to operate. Includes all ancillary vehicles used in support of the transit system.

Safety-Sensitive Functions. (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers' License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue services; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

Specimen Bottle. The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.

Split Specimen. In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated specimen or substituted test result.

Substance Abuse Professional (SAP). A license physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addition counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted Specimen. Specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Test Refusal. The following are considered as a refusal to test:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath specimen for any required test.

- ❑ Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure.
- ❑ Failure to permit the observation or monitoring of the specimen collection when required to do so.
- ❑ Failure or decline to take an additional test when directed to do so by the employer or collector.
- ❑ Failure to undergo a medical examination when directed to do so by the MRO or employer.
- ❑ Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- ❑ Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and under garments, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- ❑ Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- ❑ Admit to the collector or MRO that you adulterated or substituted the specimen.

Validity Testing. The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of the validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Verified Test. A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

HR-013 C: Employee Compliance Requirements

1. General

- 1.1 U.S. DOT regulations 49 CFR parts 40 and 655, as amended, dictate that safety-sensitive employees must submit to drug and alcohol testing as set forth in the "Required Drug & Alcohol Testing" section of this Policy.
- 1.2 A safety-sensitive employee who refuses to cooperate with the "Drug & Alcohol Testing" section of this Policy shall be immediately removed from performing safety sensitive work, withheld from service, and referred to the "consequences of a positive/refusal to test" component of the "Drug & Alcohol Test Results" section of this Policy.
- 1.3 The consumption of alcohol while on duty, or within 4 hours of reporting for duty is prohibited.
- 1.4 FTA requirements authorize testing for alcohol and taking action on findings regardless of whether the alcohol was ingested as a beverage alcohol or in a medical or other preparation.
- 1.5 Observation of a safety-sensitive employee consuming alcohol at work or within 4 hours of reporting to perform a safety-sensitive duty is cause for reasonable suspicion testing under the "Drug & Alcohol Testing" section of this Policy. Since the consumption of alcohol under these conditions is a violation of the regulations regardless of the test results, the Department of Human Resources is to be advised of every case for disciplinary considerations.
- 1.6 Any safety-sensitive employee who advises Cecil County Government of the use of alcohol during a period of on-call status will not be permitted to work.

2. Pre-Duty Use

- 2.1 Each employee is prohibited from using alcohol within 4 hours prior to performing safety-sensitive functions. Having actual knowledge that a covered employee has used alcohol within four (4) hours of performing a safety-sensitive function, Cecil County Government shall not permit the employee to perform or continue to perform safety-sensitive functions.
- 2.2 On-call employees who have consumed alcohol must report the use of alcohol when notified to report for duty.
- 2.3 Cecil County Government shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:
 - 2.3(1) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.
 - 2.3(2) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function. (Cecil County Government considers this a reasonable suspicion test)

HR-013 D: Covered Employees

All Cecil County Government safety-sensitive employees are subject to this Policy. The Federal Transit Administration designates employees to be safety-sensitive if their classification requires them to perform any of the following duties:

- a. Operate a revenue service vehicle, including when not in service;
- b. Operate a non-revenue service vehicle when required to be operated by a holder of a commercial driver's license;
- c. Control the dispatch or movement of a revenue service vehicle;
- d. Maintain a revenue service vehicle or equipment used in revenue service;
- e. Carry a firearm for security purposes; or
- f. Supervisors whose duties require the performance of any of the above functions.

Cecil County Government's job titles which meet FTA requirements and therefore are designated as safety-sensitive appear in the "Job Classification Listing" section of this Policy.

A volunteer is a covered employee if 1) the volunteer is required to hold a commercial driver's license to operate the vehicle; or 2) the volunteer performs a safety sensitive function for an entity and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

HR- 013 E: Test Administration

1. Prohibited Substances

- 1.1 Under the Drug Free Workplace Act of 1988, any drug or substance identified in Schedule 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug

metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus covered employees may be tested for these drugs any time that they are on duty.

- 1.2 Under certain conditions, when licit and/or other drug usage is suspected, Cecil County Government reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the Cecil County Government Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures and forms. For additional information concerning prescription and non-prescription medication usage, please refer to the Over-The-Counter and Prescription Drug Policy.
- 1.3 The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, under Cecil County Government's authority, an employee must inform any physician prescribing medication that the employee is enrolled in a Drug Free Workplace Program.
- 1.4 Alcohol. The use of beverages containing alcohol (including any mouthwash, medication, food, candy, etc.) or any other substance such that alcohol is present in the body while performing safety-sensitive functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655, as amended, just before, during, or just after the performance of safety-sensitive functions. Under Cecil County Government's authority, an alcohol test can be performed at any time a covered employee is on duty if reasonable suspicion exists.

2. Prohibited Conduct

- 2.1 All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2.2 Each covered employee is prohibited from consuming alcohol while performing safety-sensitive functions or while on-call to perform safety-sensitive functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline of up to and including termination.
- 2.3 Cecil County Government shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 2.4 Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 2.5 No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post accident drug/alcohol test, whichever occurs first.
- 2.6 No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive functions.

- 2.7 Cecil County Government, under its own authority, prohibits the consumption of alcohol at all times the employee is on duty, or any time the employee is in uniform.
- 2.8 Consistent with the Drug Free Workplace Act of 1988, all Cecil County Government employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace including County premises, transit vehicles, while in uniform, or while on County business.
- 2.9 If an employee has reason to believe he or she is unfit to perform safety sensitive functions and voluntarily seeks treatment due to a drug and/or alcohol problem, the employee **must** contact the County's Designated Employer Representative and request a temporary leave from the performance of safety sensitive functions. The employee will be reassigned to a non-safety sensitive function, while under treatment. The employee will be tested prior to returning to duty after completing the Substance Abuse Professional's recommended treatment program and subsequent release to duty. The County will not consider a request for assistance with a drug and/or alcohol problem, after an employee is required to report for testing. In any case, the employee would still be required to submit to any requested drug and/or alcohol test, and subsequently be terminated if positive test results are received.

3. Drug Statute Conviction

Consistent with the Drug Free Workplace Act of 1988, all employees are required to notify the Cecil County Government's DER of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action.

HR-013 F: Drug & Alcohol Testing

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined below. All covered employees who have voluntarily sought assistance for problems with drugs or alcohol, will be tested prior to returning to duty after completion of the SAP's recommended treatment program and subsequent release to duty. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the SAP.

A drug test can be performed any time a covered employee is on duty. Under FTA authority, an alcohol test can be performed just before, during, or after the performance of a safety-sensitive function. Under Cecil County Government's authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of on-going employment with Cecil County Government. Any safety sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and disciplined as outlined in the "Drug & Alcohol Test Results" section of this policy.

1. Drug Testing Procedures

- 1.1 Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the

U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

- 1.2 Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.
- 1.3 The collector shall be provided the following information when conducting a urine specimen collection:
 - a. Full name of the employee being tested;
 - b. Employee social security number;
 - c. Laboratory name and address (as pre-printed on the Chain of Custody);
 - d. Employer name, address, telephone number, and fax number;
 - e. Designated Employer Representative contact information;
 - f. MRO name, address, telephone number and fax number;
 - g. The DOT agency which regulates the employee's safety sensitive duties.
 - h. Test reason: pre-employment, random, reasonable suspicion, post-accident, return to duty, and follow-up;
 - i. Whether the test is to be observed or not;
- 1.4 After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 1.5 Under certain conditions, when illicit and/or other drug usage is suspected, Cecil County Government reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the Cecil County Government Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures.
- 1.6 The test results from the HHS certified laboratory will be reported to the Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Cecil County Government's DER. If a legitimate explanation is found, the MRO will report the test result as negative to the DER and no further action will be taken. If the test is invalid without a medical explanation, a re-test will be conducted under direct supervision.

- 1.7 Any covered employee who questions the results of a required drug test may request that the split specimen sample be tested. Employees do not have access to a test of their split specimen following an invalid result.
 - 1.7.1 The split sample test must be conducted at a second HHS certified laboratory with no affiliation with the laboratory that analyzed the primary specimen.
 - 1.7.2 The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended.
 - 1.7.3 The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to substantiated facts that were beyond the control of the employee.
 - 1.7.4 Cecil County Government will ensure the cost for the split specimen test is covered in order for a timely analysis of the sample; however Cecil County Government will seek reimbursement for the split specimen sample test from the employee. While the employee is responsible for paying the cost of the split specimen testing, they will not be denied such based on inability to pay for the testing.
- 1.8 If the analysis of the split specimen sample fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct Cecil County Government to retest the employee under direct observation.
- 1.9 The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split specimen will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. Positive primary specimens will be retained in frozen storage for one year and the split specimen will also be retained for one year.
- 1.10 Observed collections, consistent with 49 CFR Part 40, as amended, are performed under direct observation (by a person of the same gender) with no advance notice, and are required in the following circumstances:
 - 1.10.1 All return to duty tests;
 - 1.10.2 All follow-up tests;
 - 1.10.3 The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the employer that there was not an adequate medical explanation for the result;
 - 1.10.4 The MRO reported that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed;
 - 1.10.5 The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative dilute and that a second collection must take place under direct supervision;
 - 1.10.6 Anytime the temperature on the original specimen was out of the accepted range of 90°-100°F;
 - 1.10.7 Anytime the collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - 1.10.8 Anytime the original specimen appeared to have been tampered with.

When an employee is instructed to provide a specimen under direct observation they will be advised as to the reason, if known.

- 1.11 Dilute Negative: A covered employee or applicant who receives a dilute negative test result will be required to re-test and the result of the second test as the test result of record. The collection for second test will not be directly observed unless there is another reason for an observed collection to be conducted. Should the second test result in a negative dilute test result, the test will be considered a negative and no additional testing will be required unless direct to do so by the MRO.

2. Alcohol Testing Procedures

- 2.1 Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen (15) minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA approved EBT operated by a trained BAT.
- 2.2 The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2.3 An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in the disciplinary section of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall be removed from duty for at least 24 hours and will be subject to the disciplinary consequences described in this policy. The employee will not be allowed to return to safety sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. An alcohol concentration of less than 0.02 will be considered a negative test.
- 2.4 Cecil County Government affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 2.5 The alcohol testing form required by 49 CFR Part 40, as amended, shall be used for all FTA required testing. Failure of an employee to sign Step 2 will be considered a refusal to submit to testing.

3. Pre-Employment Testing

- 3.1 All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety sensitive function but not more than 90 days prior to performing a safety sensitive duty.
- 3.1.1 All offers of employment for covered positions shall be extended conditional upon the applicant passing a pre-employment drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test and receives a verified negative result.
- 3.1.2 A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test and receives a verified negative result. If the employee being placed, transferred or promoted into a covered position receives a verified positive drug test result, the employee shall be subject to discipline as outlined in the "Drug & Alcohol Test Results" section of this Policy.
- 3.1.3 If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test shall disqualify an applicant for employment for a period of at least two (2) years.
- 3.1.4 If an applicant or employee drug test is cancelled, Cecil County Government shall require the employee or applicant to take another pre-employment drug test and receive a verified negative result.
- 3.1.5 When a covered employee is on extended leave for a period of 90 days or more, regardless of the reason, the employee will be required to take a pre-employment drug test under 49 CFR Part 655, as amended, and receive a negative test result prior to performing safety sensitive functions.
- 3.2 Previous Employment Requirements. By Federal Regulation, Cecil County Government must check on the drug and alcohol testing record of new employees it is intending to use to perform safety-sensitive functions.
- 3.2.1 Cecil County Government, after obtaining an applicants'/employees' written consent, utilizes a third party to request previous employment information about the employee. This requirement applies only to employees seeking to begin performing safety-sensitive functions for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, Cecil County Government must not permit the employee to perform safety-sensitive functions.
- 3.2.2 Cecil County Government, through a third party administrator, must request the information listed in this paragraph from DOT-regulated employers who have employed the applicant/employee during any period during the two (2) years before the date of the employee's application or transfer (or time period as may be amended under the regulations):
- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - (2) Verified positive drug tests;
 - (3) Refusals to be tested (including verified adulterated or substituted drug test results);
 - (4) Other violations of DOT agency drug and alcohol testing regulations; and
 - (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), Cecil County Government must seek this information from the employee.
- 3.2(2)a The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

- 3.2(2)b If feasible, Cecil County Government must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, Cecil County Government must obtain and review the information as soon as possible. However, Cecil County Government must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless Cecil County Government has obtained or made and documented a good faith effort to obtain this information.
- 3.2(2)c If Cecil County Government obtains information that the applicant has violated a DOT agency drug and alcohol regulation, the pre-employment process will not be continued.
- 3.2(2)d Each of the employers from whom information is requested under paragraph (3.4.2) of this section must receive written consent for the release of the information.
- 3.2(2)e The employer requesting the information required under this section must maintain a written, confidential record of the information obtained or of the good faith efforts made to obtain the information. This information must be retained for three years from the date of the employee's first performance of safety-sensitive functions.
- 3.2(2)f The employee must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive functions covered by DOT agency drug and alcohol testing rules during the past two years.

4. Reasonable Suspicion Testing

- 4.1 All Cecil County Government covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance or safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse.
- 4.2 Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. (Attachment A: Reasonable Suspicion Worksheet) Under FTA authority, a reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive function. However, under Cecil County Government authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 4.3 Cecil County Government shall be responsible for transporting the employee to the testing facility. The employee shall be placed on unpaid leave pending the test results. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on unpaid leave pending disciplinary action.
- 4.4 A written record of the observations that led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the DER and

attached to the forms reporting the test results. Please note that Reasonable Suspicion does not exist if it is based solely upon a supervisor's intuition or hunch.

- 4.5 If a reasonable suspicion alcohol test is required but not performed within two (2) hours, the reason for the delay must be documented. If not completed within 8 hours, attempts to administer an alcohol test shall cease. The documentation of delay must be maintained.

5. Post Accident Testing

- 5.1 All covered employees will be required to undergo drug and alcohol testing if they are involved in an accident with a transit revenue service vehicle or equipment or whose performance could have contributed to the accident, regardless of whether or not the vehicle or equipment is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle or equipment at the time of the accident and any other covered employee whose performance cannot be completely discounted as a contributing factor to the accident.
- 5.2 A post accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident. *This includes all covered employees that are operating the vehicle or equipment at the time of the accident and any other covered employee whose performance cannot be completely discounted as a contributing factor to the accident.*
- 5.3 Under its own authority, Cecil County Government requires post accident drug and alcohol testing when medical treatment is obtained, or when there is damage to any vehicles, mobile equipment or property.
- 5.4 Post accident testing procedures include the following:
 - 5.4.1 As soon as practicable following an accident, as defined in this section, the supervisor investigating the accident will notify the employee operating the transit vehicle or equipment and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision
 - 5.4.2 The covered employee's supervisor shall transport the employee to the testing facility.
 - 5.4.3 The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours from the time of the accident for alcohol testing, and within 32 hours for drug testing. If an alcohol test is not performed within two (2) hours of the accident, the DER will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - 5.4.4 Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
 - 5.4.5 An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his/her location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
 - 5.4.6 Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- 5.4.7 In the rare event that Cecil County Government is unable to perform a FTA drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement, etc.), Cecil County Government may use drug and alcohol post accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement official must have independent authority for the test and the employer must obtain the results in conformance within local law.

6. Random Testing

- 6.1 All covered employees will be subject to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 6.2 The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- 6.3 The number of employees randomly selected for drug and alcohol testing during the calendar year shall not be less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations.
- 6.4 Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- 6.5 Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random test can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle or end of an employee's shift. However, under Cecil County Government's authority, a random alcohol test may be performed any time the covered employee is on duty.
- 6.6 Employees selected for testing are to "Immediately Proceed and Report without Delay" to the appropriate collection site. Employees selected for random testing will be given a testing appointment form to be presented at the collection site (Attachment B: Random Test Appointment).

7. Return-To-Duty Testing

- 7.1 As noted in Section HR-013G, Cecil County Government adhered to a "Zero Tolerance" policy, meaning a verified positive drug screen and/or confirmed alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and termination of employment.
- 7.2 All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional (SAP) before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment required and is known to be drug and alcohol free and there are no undo concerns for public safety. In no circumstances will an employee be reinstated to the conduct of safety-sensitive functions prior to the completion of the treatment plan with negative tests. The cost for assessment and any subsequent treatment will be the sole responsibility of the employee.

8. Follow-Up Testing

Covered employees will be required to undergo frequent, unannounced drug and alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests performed the first year. The frequency and duration of the follow-up tests (beyond the minimum) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

HR-013 G: Drug & Alcohol Test Results

1. Positive Test Results

- 1.1 Any covered employee that has a verified positive drug or alcohol test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive functions without the approval of the SAP.
- 1.2 A positive drug and/or alcohol test will also result in disciplinary action as specified herein:
 - 1.2.1 As soon as practicable after receiving notice of a verified positive drug or alcohol test, or a test refusal, the DER will contact the employee's supervisor to have the employee cease performing any safety-sensitive functions.
 - 1.2.2 The employee shall be referred to a Substance Abuse Professional (SAP) for an assessment. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
 - 1.2.3 Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination. A test refusal includes the following circumstances:
 - 1.2.3.1 A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to a post accident drug/alcohol test.
 - 1.2.3.2 A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
 - 1.2.3.3 A covered employee who is suspected of providing false information in connection with a drug test.
 - 1.2.3.4 A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within 5 days of the initial test attempt.
 - 1.2.3.5 A verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.
 - 1.2.3.6 A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
 - 1.2.3.7 A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer (except for pre-employment tests).
 - 1.2.3.8 A covered employee fails to remain at the testing site until the testing process is complete.
 - 1.2.3.9 A covered employee fails to provide a urine specimen for any drug test required by CFR Part 40, as amended, or DOT agency regulations.

- 1.2.3.10 A covered employee fails to permit the observation or monitoring of a specimen collection.
 - 1.2.3.11 A covered employee fails or declines to take a second test the employer or collector has directed you to take.
 - 1.2.3.12 A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures.
 - 1.2.3.13 A covered employee fails to cooperate with any part of the testing process (e.g. refuses to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
 - 1.2.3.14 A covered employee fails to follow the observer’s instructions during an observed collection, including instructions to raise their r clothing above the waist, lower clothing and under garments, and to turn around to permit the observer to determine if they have any type of prosthetic or other devise that could be used to interfere with the collection process;
 - 1.2.3.15 A covered employee possesses or wears a prosthetic or other devise that could be used to interfere with the collection process.
 - 1.2.3.16 A covered employee admits to the collector or MRO that they adulterated or substituted the specimen.
 - 1.2.3.17 Failure to sign Step 2 of the Alcohol Testing form.
- 1.3 Cecil County Government has a zero tolerance policy. A verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and termination of employment.
- 1.4 An alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for 24 hours. The employee will not be permitted to return to safety-sensitive duty or his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 BAC two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with this Policy.
- 1.5 The cost of any treatment or rehabilitation services will be paid directly by the employee or his/her insurance provider. The employee will be permitted to take accrued sick, vacation or personal leave to participate in the SAP prescribed treatment program. If the employee has insufficient leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family Medical Leave Act.
- 1.6 In the event of a self-referral, disciplinary action against the employee shall include:
- 1.6.1 Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement.
 - 1.6.2 Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Cecil County Government employment. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in this Policy.
 - 1.6.3 Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.

- 1.6.4 A self-referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered a positive test result in relation to the disciplinary section of this policy.
 - 1.6.5 Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral which results in a verified positive shall be considered a positive test result in relation to the disciplinary section of this policy.
- 1.7 Failure of an employee to report within five (5) days of a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

HR-013 H: Grievance and Appeal

The consequences specified by 49 CFR Part 655, as amended, for a positive test or test refusal is not subject to arbitration.

1. Proper Application Of The Policy

Cecil County Government is dedicated to ensuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

2. Information Disclosure

- 2.1 Drug and alcohol testing records shall be maintained by the DER and, except as provided below or by law, the results of any drug or alcohol test shall not be disclosed without express written consent of the tested employee.
 - 2.1.1 The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
 - 2.1.2 Records of a verified positive drug or alcohol test result shall be released to the DER, department supervisor, and Human Resources Manager on a need to know basis.
 - 2.1.3 Records will be released to a subsequent employer only upon receipt of a written request from the employee.
 - 2.1.4 Records of an employee's drug or alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug or alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with biding stipulation from the decision maker will make it available only to parties in the preceding.
 - 2.1.5 Records will be released to the National Transportation Safety Board (NTSB) during an accident investigation.
 - 2.1.6 Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
 - 2.1.7 Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Cecil County Government or the employee.
 - 2.1.8 If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of 49 CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.

- 2.1.9 In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

HR-013 I: Delegated Responsibilities

CCG has procured the services of a professional Medical Review Officer (MRO) and Substance Abuse Professional (SAP) on behalf of this policy.

1. Medical Review Officer (MRO) responsibilities are:

- 1.1 Compliance with provisions of 49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended.
- 1.2 Compliance with provision of 49 CFR 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, as amended.
- 1.3 The Medical Review Officer's (MRO) single most important function is the review of laboratory positive test results and the determination of alternative medical explanations for positive results. The MRO must be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive drug test results.

2. Substance Abuse Professional (SAP) responsibilities are:

- 2.1 Compliance with provisions of 49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended.
- 2.2 Compliance with provision of 49 CFR 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, as amended.
- 2.3 The SAP functions include:
 - 2.3.1 Making a face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use;
 - 2.3.2 Referring the employee to an appropriate education and/or treatment program;
 - 2.3.3 Conducting a face-to-face follow-up evaluation to determine if the employee has actively participated in the education and/or treatment program and has demonstrated successful compliance with the initial assessment and evaluation recommendations;
 - 2.3.4 Providing the DER with a follow-up drug and/or alcohol testing plan for the employee; and;
 - 2.3.5 Providing the employee and employer with recommendations for continuing education and/or treatment;
 - 2.3.6 The SAP is not an advocate for CCG or the employee. The SAP function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education/treatment, follow-up tests, and aftercare.

HR-013 J: Policy Contacts

Designated Employee Representative (DER)

Director, Department of Human Resources
Cecil County Government (CCG)
200 Chesapeake Blvd, Suite 2800
Elkton, MD 21921
Telephone #: (410) 996-5250

Secondary Designated Employee Representative (DER)

Human Resources Manager
Cecil County Government (CCG)
200 Chesapeake Blvd, Suite 2800
Elkton, MD 21921
Telephone #: (410) 996-5250

Medical Review Officer (MRO) - Medical review of drug test results will be provided by below listed MRO under contract with CCG (as amended).

Occupational Medicine
Union Hospital of Cecil County
North Bay Professional Pavilion
360 E. Pulaski Highway, Third Floor
Elkton, MD 21921
Telephone #: (410) 620-5424

SAMHSA Certified Laboratory - Certified laboratory testing will be provided by the below listed laboratory under contract with Cecil County Government.

MedTox Laboratories, Inc.
402 West County Road D
St. Paul, MN 55112
(651) 636-7466

Substance Abuse Professional (SAP)

BUSINESS HEALTH SERVICES
(866) 765-3277

HR-013 K: Minimum Thresholds

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzococgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxymethamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA)

HR-013 L: FTA Safety Sensitive Employee Job Classifications Listing

Management/Staff

Transportation Supervisor
Bus Driver/Router
Bus Driver

Policy #HR-014

Subject: ALTERNATIVE WORK SCHEDULE POLICY

Effective Date: 07/01/2010

Approved by: Board of County Commissioners

Revision Date: 09/01/2011

HR-014 A: Compressed Work Schedule

Cecil County endorses the concept of flexible work schedules and encourages all departments to examine their operations to determine whether such scheduling is appropriate and can serve a useful purpose. Flexible work scheduling can be used to:

- ❑ Provide extended services to the public and other agencies;
- ❑ Increase the efficiency and effectiveness of the workforce through optimum utilization;
- ❑ Provide employees with an opportunity to alter their hours and schedule their appointments on their day off, within the guidelines set by the department head.

While the County endorses the concept of flexible work schedules, it is intended that such schedules will be designed and implemented on a more or less permanent basis. Schedules should not vary on a daily basis to accommodate personal preferences.

Each department participating in the Alternative Work Schedule program will need to determine minimum staffing requirements in order to continue to be able to serve the public and internal customers appropriately. Minimum staffing levels will need to be reviewed and approved by the County Administrator prior to starting Alternative Schedules.

Employees working a compressed work schedule should make every effort to schedule their appointments on their scheduled day off.

Non-exempt employees may not work more than 40 hours in a week (unless overtime is approved in advance for a special project).

NOTE: This policy does not apply to the 24/7 operational departments or the Solid Waste Division.

HR-014 B: Hours of Work

While most County offices are ordinarily open for business Monday through Friday from 8:00 am to 4:30 pm., there are no standard hours of work for County employees due to the varied nature of County business. Hours of work will be established in each department and approved by the Appointing Authority.

Core hours for most departments are 9 am – 3 pm each day.

HR-014 C: Option 1 – 10 hour Compressed Time

Four 10-hour workdays per week commencing between 7:00 and 8:30 a.m., incorporating a 30-minute unpaid meal break, and ending between 5:30 and 7:00 pm. This schedule results in one non-working day per work week.

HR-014 D: Option 2 - Flexible Time

Five 8-hour workdays per week commencing between 7:00 and 10:00 am, incorporating a 30-minute unpaid meal break and ending between 3:30 and 6:30 pm.

- 7:00 a.m. - 3:30 p.m.
- 7:30 a.m. - 4:00 p.m.
- 8:00 a.m. - 4:30 p.m. Standard workday schedule**
- 8:30 a.m. - 5:00 p.m.
- 9:00 a.m. - 5:30 p.m.
- 9:30 a.m. - 6:00 p.m.
- 10:00 a.m. - 6:30 p.m.

This option requires the employee to select and keep a schedule for a period of time that cannot be changed without approval. This is not a day-to-day schedule.

HR-014 E: Paid Leave

1. Service time and the accrual of annual, sick, or personal leave will continue at the existing rates.
2. Employees who use annual, sick, or personal leave will be charged the actual number of leave hours used, based on that day's scheduled work hours minus any hours worked.
3. Paid bereavement leave is limited to a maximum of either 24 hours or 8 hours, based on applicability.
4. If an employee is eligible for paid jury leave, the number of hours served as juror will be based on that day's scheduled work hours up to 8 hours/day. Employees on a compressed time schedule will be required to use two hours of annual or personal leave if jury leave falls on a scheduled 10-hour workday.
5. Paid administrative leave while working as an election judge will be limited to 8 hours.
6. For each County holiday, eight hours of paid leave are awarded to each full-time employee. If a holiday falls on an employee's non-work day of the week, the employee's preceding work day or following work day within that work week may be used as the employee's holiday. This decision will be reached through discussion with the Department Head in advance of the holiday taking into consideration the minimum staffing requirements. Employees on a compressed time schedule will be required to use two hours of annual or personal leave if a holiday falls on a scheduled 10-hour workday.

HR-014 F: Written Agreement

All alternative work scheduling agreements between employees and their Appointing Authority must be documented in writing and signed by both parties. The agreement should contain a description of the alternative work schedule, an acknowledgement by the employee that the provisions of this policy have been read and understood. Copies of the agreement should be distributed to the employee, the employee's immediate supervisor, and the Human Resources Department.

Glossary of Terms

24-hour operation: Any department that has non-exempt employees required to provide continuous service on a 24-hour, 7-day/week basis to the public. Twenty-four/seven (24/7) employees are considered essential for the 24-hour operation.

Absence: A time for which an employee is scheduled to work and fails to report for work, regardless of reason.

Accrued, unused annual leave: benefit granted to employees to be used as vacation

Acting pay status: Temporary promotion or transfer

Appointing authority: Elected Official with responsibilities for specific areas

At the pleasure of: unclassified employee not covered by the grievance procedures outlined in this manual and may be terminated at will.

Authorized absence: An absence from any portion of the work period for which the employee has provided prior notification and/or written verification as requested to the supervisor and is not in violation of County policies.

Background investigation: The screening process used for an individual being considered for hiring or for placement of an existing employee in a new position. Generally consists of verification of employment, verification of educational credentials, verification of identity, review of state and/or Federal criminal records and may include a credit check. All investigations performed are to confirm that the candidate meets all job-related criteria to perform the functions of the job and any pertinent regulatory standards.

Bloodborne pathogens: Microorganisms in human blood that can cause disease in humans if exposure to the blood or contaminated materials is not appropriately controlled.

Board of County Commissioners: Five-person board elected by citizens of Cecil County

Classified system: Full time employees who are covered by the grievance procedures outlined in this manual.

Compensable: An on-the-job injury or illness determined to meet Workers' Compensation Commission regulations for eligibility for benefits.

Counseling: An informal discussion with an employee about a work performance or behavior problem that, if not corrected, could lead to disciplinary action.

Data: Any computer information, including, but not limited to, information that has been entered into a computer, stored in a computer, or retrieved from a computer. Examples would include spreadsheet and database entries.

Disability retirement: Retirement following determination by a designee that the employee is unable to perform the essential function of the assigned job (own occupation) or any job (any occupation), depending on the definition of disability.

Disciplinary Action: A formal method of corrective action consisting of a private discussion of the offense, an explanation of the observed behavior and how it violates expected Standards of Conduct, and issuance of a written notice which is retained for a specified period in the employee's official personnel folder.

Early retirement: Retirement at an earlier age and/or with less service than would provide the maximum pension benefit (without reduction).

Essential Employee: An essential employee is a full-time, non-exempt employee who is required to respond to County emergencies outside of the normal workday and is deemed critical to the operation of County government during inclement weather or any other designated emergency where the work is of a nature which, if left unattended, could result in danger or damage to the property or person of a

County resident or the traveling public. (These employees are defined by the department/agency head.)

Essential job functions: Primary job duties that an individual must be able to perform.

Exempt: Employees who are exempt from the minimum wage and overtime pay provisions of the U.S. Fair Labor Standards Act.

Good standing: see page 9 for definition

Involuntary termination: Termination from employment initiated by employer action.

Job description: A summary of the most important features of a job, including the general nature of the work performed (duties and responsibilities) and level (i.e., skill, effort, responsibility and working conditions) of the work performed.

Job specifications: A description of the worker characteristics in terms of knowledge, skills, abilities and competencies required to competently perform a given job.

Information: Knowledge, in any form that has value to the County

Liberal leave: Allows non-essential employees to use personal or annual leave if storms, severe weather conditions and/or unforeseen emergencies prevent them from reporting to work on time or not at all. However, employee must report their tardiness or absence to their respective supervisor. Liberal leave is rendered by the Board of County Commissioners in these conditions.

Mitigating circumstances: Conditions or context related to a given offense that indicates a need to reduce the level of corrective action in the interest of fairness and objectivity. These may include consideration of an employee's long service and/or a history of otherwise satisfactory work performance.

New employee orientation program: Introduction of County employment, benefits, training programs and procedures usually done on the first day of work for full-time employees.

Non-essential Employee: Non-essential employees are not required to report to work during inclement weather or designated emergency.

Non-exempt: Employees who are not exempt from the minimum wage and overtime pay provisions of the U.S. Fair Labor Standards Act.

Non-Public Safety Pay Scale: defined on page 12

Normal retirement: defined in detail on page 40

Occurrences: Sick leave absences in a rolling 12-month period from work that is not protected by FMLA; absences for less than one full day will be combined for disciplinary purposes.

Official Investigation: Investigations of employee activities conducted by the State Police, and/or other federal, state, or local government law enforcement agencies.

Offset Time: Time taken off in same workweek/pay period for time worked in excess of regular daily hours. Details on page 16.

Paid-time-off (PTO) – prorated time for regular part-time employees only.

Pay grade: A level into which jobs of the same or similar value are grouped for compensation purposes. All jobs in a grade have the same pay range on applicable pay scale.

Pay range: The base pay opportunity established for each job based on the job description, the job evaluation, internal equity and external market information from competitive pay surveys.

Pay structure (Pay Scale): A series of pay ranges that progress in an orderly alignment from the lowest level to the highest level of covered positions.

Position: The total duties and responsibilities requiring the employment of a single employee. Also called a job.

Pre-employment drug testing: Following an offer of employment, a test is performed under strict laboratory collection and analysis regulations of a candidate's urine specimen for evidence of prior use of substances specified by Federal regulation.

Pre-placement medical examination: Following an offer of employment, a review of a candidate's ability to fulfill the essential functions of a position with or without accommodation.

Probationary period: defined in detail on page 8

Public Safety Pay Scale: defined in detail on page 12

Qualified individuals with disabilities: A person with a disability, as defined by the Americans with Disabilities Act, or with a record of a disability, or who is perceived to have a disability, who can perform the essential functions of a job with or without accommodation

Qualifying shift: an established work period, regularly scheduled to meet required staffing levels, which must begin between 1400 and 0300 and is scheduled for an eight-hour duration or begins between 1800 and 0600 for a scheduled twelve-hour duration

Reclassification: A change in the rating of the job within the classification system.

Rolling 12-month period: Twelve months measured backward from the date of event

Scheduled Sick Absences - Sick leave absence scheduled 48 hours in advance

Sexual harassment prevention: A program of education, expectations-setting and role modeling of behaviors which demonstrate respect for individual employees regardless of gender and avoids work place actions which might be construed as harassment.

Sick Leave Bank: defined in detail on page 41

Software: Any computer operating system or program, including web browser plug-ins, add-ons, and toolbars

Software Piracy: Utilizing software in violation of its licensing agreement.

Statutory appointing authority: Elected Officials including County Commissioner, Treasurer, Sheriff, State's Attorney and Administrative Judge for the Circuit Court

Summary plan description: A summary of the benefits provided by a plan subject to Employee Retirement Income Security Act (ERISA) regulations, which includes a description of the benefits, eligibility requirements, funding arrangements, claims procedures and participant rights within the plan.

Temporary Essential Employee: full-time nonexempt employee who is designated by a department/agency head as essential and is required to respond to an emergency.

Unauthorized absence: Absence from any part of the work period for which the employee fails to properly notify supervision or fails to provide verification.

Unclassified position: serve at the pleasure of their respective appointing authority and are not covered by the grievance procedures outlined in this manual

Values: Principles, standards and/or qualities considered desirable and important for successful fulfillment of employment duties. These describe what is important to an organization, should guide employee behavior and form the basis for the organization's culture.

Work place: Any County-owned, -controlled or -leased property or the site where the Cecil County Government work is performed.