

1 **..Title**

2 **Other Excluded Service Employees** – For the purpose of providing policies and practices  
3 concerning other excluded service employees, including full-time, temporary, and grant-funded  
4 employees; providing definitions; and generally relating to contractual employees.

5 **..Body**

6 **CITY COUNCIL OF THE**  
7 **City of Annapolis**

8  
9 **Ordinance 27-20**

10  
11 **Introduced by: Mayor Buckley**  
12 **Co-sponsored by:**

13  
14 **Referred to**  
15 **Rules and City Government**  
16 **90 day Rule: \_\_\_\_\_**

17  
18 **AN ORDINANCE** concerning

19  
20 **Other Excluded Service Employees**

21  
22 **FOR** the purpose of providing policies and practices concerning other excluded service  
23 employees, including full-time, temporary, and grant-funded employees; and generally  
24 relating to contractual employees.

25  
26 **BY** repealing and re-enacting with amendments the following portions of the Code of the City  
27 of Annapolis, 2020 Edition  
28 3.04.010  
29 3.04.020

30  
31 **BY** repealing the following portions of the Code of the City of Annapolis, 2020 Edition  
32 3.10.010  
33 3.10.020  
34 3.10.030

35  
36 **BY** adding the following portions to the Code of the City of Annapolis, 2020 Edition  
37 3.04.030  
38 3.10.010  
39 3.10.020  
40 3.10.030

41  
42  
43 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
44 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

45  
46 **Title 3 – HUMAN RESOURCES**

1 **Chapter 3.04 - GENERAL PROVISIONS**

2  
3 **Section 3.04.010 - Definitions.**

4  
5 For the purposes of this title, the following words and phrases have the meanings indicated:

6  
7 "Anniversary date," also known as "review date" or "increment date," means that date on  
8 which an employee is eligible to receive an in-grade pay increase, normally ~~twelve~~12 months from  
9 the date of hire and each ~~twelve~~12 months thereafter. This date may only be changed by awarding  
10 an in-grade pay increase later than the date it is due.

11  
12 "Appointing authority" means:

- 13  
14 1. The Mayor, for positions assigned to the office of the Mayor.  
15 2. The City Manager for the director of each department.  
16 3. The director of each department, for positions assigned to that department.  
17 4. THE HEAD OF AN OFFICE, FOR POSITIONS ASSIGNED TO THAT OFFICE.

18  
19 "Appointment list" means a list containing the names of qualified applicants for a particular  
20 position which may be ranked on the basis of one or more of the following: applicant's  
21 qualifications, competitive examination score(s) and personal interview.

22 "Civil Service" means the system which includes the regulations and procedures prescribed  
23 in and promulgated under the authority of this chapter, the Civil Service Board, the job  
24 descriptions, the pay plan and all of the employees who are included in the system.

25 "Classification" means the process of reviewing the duties and responsibilities of a position  
26 or positions and incorporating these duties and responsibilities into a job description.

27 "Demotion" means the voluntary or involuntary movement of an employee from a pay grade  
28 to a lower pay grade.

29 "Employee" means the person employed to perform the work of a position.

30 "EMPLOYMENT AGREEMENT EMPLOYEE" MEANS AN OTHER EXCLUDED  
31 SERVICE EMPLOYEE: (1) WHO, UNDER A WRITTEN EMPLOYMENT AGREEMENT  
32 ISSUED EACH FISCAL YEAR, PROVIDES PERSONAL SERVICES TO THE CITY FOR  
33 PAY ON EITHER A PART-TIME OR FULL-TIME BASIS; (2) WHO IS NOT SPECIFICALLY  
34 PLACED IN THE CIVIL SERVICE SYSTEM BY THE CIVIL SERVICE BOARD OR  
35 DESIGNATED AS EXEMPT SERVICE BY THE CITY COUNCIL; AND (3) WHO HAS AN  
36 EMPLOYER-EMPLOYEE RELATIONSHIP WITH THE CITY AS FURTHER DESCRIBED  
37 IN CHAPTER 3.10. THIS INCLUDES EMPLOYEES WHOSE POSITIONS ARE FULLY  
38 FUNDED BY GRANT SOURCES THAT PRECLUDE BENEFITS OR COMPENSATION TO  
39 WHICH CIVIL SERVICE EMPLOYEES ARE ENTITLED.

40 "Equal protection" means in accordance with the 14th Amendment of the United States  
41 Constitution, the City shall treat a person or class of persons the same as it treats other persons or  
42 classes in like circumstances.

43 "Exempt service" means positions designated by the City Council which are specifically not  
44 included in the civil service AND ARE ENUMERATED IN SECTION 3.08.

1 "Job description" means a written explanation of one position or of several very similar  
2 positions which always includes a title, a general definition of responsibilities, a list of typical  
3 duties and the minimum required qualifications.

4 "Other excluded service" includes all other persons rendering temporary service ~~under~~  
5 ~~contract and positions involving seasonal or part-time employment~~ except those specifically placed  
6 in the civil service system by the Civil Service Board or those designated as exempt service by the  
7 City Council. Any positions not included in the civil service or the exempt service are considered  
8 to be "other excluded service."

9 "Pay plan" means the written chart which places every job description in a pay grade. Each  
10 pay grade consists of a maximum and minimum level and intermediate levels of pay.

11 "Permanent status" means the status given to a civil service employee who has successfully  
12 completed the initial probationary period, or any extension of an initial probationary period.

13 "Position" means a group of duties and responsibilities assigned to an employee. A position  
14 can be vacant or occupied.

15 "Probationary status" means the status given to a new, a transferred or a promoted civil service  
16 employee for the designated period during which the employee must initially demonstrate an  
17 ability to perform the duties of the position to which appointed.

18 "Promotion" means the movement of a civil service employee from one pay grade to a higher  
19 pay grade.

20 "Reclassification" means the process of reviewing the duties and responsibilities of an existing  
21 position or positions in order to revise the job description to which the position or positions are  
22 assigned; or moving a job description from one pay grade to another pay grade.

23 "TEMPORARY EMPLOYEE" MEANS ANY OTHER EXCLUDED SERVICE  
24 EMPLOYEE APPOINTED FOR A SPECIAL PROJECT, PROGRAM, GRANT OR  
25 SEASONAL EMPLOYMENT WHO WORKS EITHER PART-TIME FOR LESS THAN 30  
26 REGULARLY SCHEDULED HOURS PER WEEK OR FULL-TIME FOR NO MORE THAN  
27 106 CONSECUTIVE DAYS PER YEAR.

28 "Transfer" means the movement of a civil service employee from one position to another in  
29 the same pay grade.

### 30 31 **Section 3.04.020 - Exempt and civil service—Or other excluded service.**

32  
33 All positions are included in the exempt service, the civil service or as other excluded  
34 service. (Nothing in this title shall contravene or supersede the Charter with respect to such  
35 positions).

### 36 37 **SECTION 3.04.030- FALSE STATEMENTS.**

38  
39 A. ALL INDIVIDUALS APPLYING FOR CIVIL, EXEMPT, OR OTHER EXCLUDED  
40 SERVICE EMPLOYEE POSITIONS SHALL SIGN AND SUBMIT TO THE HUMAN  
41 RESOURCES MANAGER A COMPLETED CITY OF ANNAPOLIS EMPLOYMENT  
42 APPLICATION, EMPLOYMENT AGREEMENT, OR OTHER FORM THAT CONTAINS  
43 LANGUAGE IDENTIFYING THE RIGHT OF THE CITY OR APPOINTING  
44 AUTHORITY TO DISMISS THE APPLICANT/APPOINTEE FROM EMPLOYMENT  
45 SERVICE WITH THE CITY.

- 1 B. IF AN INDIVIDUAL IS FOUND BY THE APPOINTING AUTHORITY TO HAVE  
2 KNOWINGLY MADE A FALSE STATEMENT WHILE APPLYING FOR A POSITION,  
3 THAT INDIVIDUAL SHALL NO LONGER BE CONSIDERED FOR EMPLOYMENT  
4 WITH THE CITY OF ANNAPOLIS. IF IT IS DETERMINED THAT AN EMPLOYEE  
5 KNOWINGLY MADE A FALSE STATEMENT IN THAT INDIVIDUAL'S  
6 EMPLOYMENT APPLICATION OR RESUME, THEN DISCIPLINARY ACTION SHALL  
7 BE TAKEN BY THE APPROPRIATE SUPERVISOR CONSISTENT WITH SECTION 7-  
8 5D, CODE OF CONDUCT, GROUP III OFFENSE, OF THE CITY OF ANNAPOLIS  
9 RULES AND REGULATIONS OF THE PERSONNEL SYSTEM.
- 10 C. THE REQUIREMENTS SET FORTH IN THIS SECTION APPLY TO ALL  
11 APPLICATIONS AND RESUMES THAT ARE SUBMITTED BY ANY CITY EMPLOYEE  
12 ON OR AFTER JUNE 14, 2004.

13  
14 ~~**Section 3.10.010 – False statements.**~~

- 15  
16 ~~A. All individuals applying for civil, exempt or excluded service positions shall sign and submit~~  
17 ~~to the Human Resources Manager a completed City of Annapolis employment application or~~  
18 ~~form that contains language identifying the right of the City or appointing authority to dismiss~~  
19 ~~the applicant/appointee from employment service with the City.~~
- 20 ~~B. If an individual is found by the appointing authority to have made a knowingly false statement~~  
21 ~~while applying for a position, that individual shall no longer be considered for employment~~  
22 ~~with the City of Annapolis. If it is determined that an employee made a knowingly false~~  
23 ~~statement in that individual's employment application, then disciplinary action shall be taken~~  
24 ~~by the appropriate supervisor consistent with Section 7-5D, Code of Conduct, Group III~~  
25 ~~Offense, of the City of Annapolis Rules and Regulations.~~

26  
27 ~~**Section 3.10.020 – Effective date.**~~

28  
29 ~~The requirements set forth in Section 3.10.010 apply, to all applications and resumes that are~~  
30 ~~submitted to any City employee on or after the effective date of those sections.~~

31  
32 **CHAPTER 3.10 – EMPLOYMENT AGREEMENT EMPLOYEES.**

33  
34 **SECTION 3.10.010 – REQUIREMENTS FOR EMPLOYMENT AGREEMENT**  
35 **EMPLOYEES.**

- 36  
37 A. AN EMPLOYMENT AGREEMENT EMPLOYEE SHALL HAVE AN EMPLOYER-  
38 EMPLOYEE RELATIONSHIP WITH THE CITY IN WHICH THE CITY:
- 39
- 40 1. FURNISHES NECESSARY TOOLS AND A PLACE TO WORK;
  - 41 2. HAS THE RIGHT TO CONTROL AND DIRECT THE DETAILS, MEANS, AND
  - 42 RESULTS OF THE PERFORMANCE OF THE SERVICES; AND
  - 43 3. HAS THE RIGHT TO DISCHARGE THE INDIVIDUAL FROM EMPLOYMENT.
- 44

- 1 B. THE CITY MAY NOT EXECUTE OR RENEW AN EMPLOYMENT AGREEMENT FOR  
2 AN EMPLOYMENT AGREEMENT EMPLOYEE UNLESS THE HUMAN RESOURCES  
3 MANAGER CERTIFIES IN WRITING THAT:  
4
- 5 1. THE RATE OF PAY FOR THE EMPLOYMENT AGREEMENT EMPLOYEE IS  
6 COMPARABLE TO THE RATE PAID TO EMPLOYEES IN POSITIONS THAT  
7 INVOLVE COMPARABLE DUTIES, RESPONSIBILITIES, EXPERIENCE, AND  
8 AUTHORITY; AND
  - 9 2. THE SERVICES TO BE PERFORMED UNDER THE EMPLOYMENT  
10 AGREEMENT ENCOMPASS FUNCTIONS THAT:
    - 11 a. ARE NEEDED FOR A LIMITED PURPOSE OR TIME PERIOD;
    - 12 b. ARE UNIQUE IN NATURE OR AVAILABILITY;
    - 13 c. NEED TO BE IMPLEMENTED QUICKLY AND FOR WHICH THERE IS NO  
14 REASONABLE ALTERNATIVE; OR
    - 15 d. ARE GRANT FUNDED.
- 16
- 17 C. THE HUMAN RESOURCES MANAGER SHALL ADOPT GUIDELINES FOR THE  
18 RECRUITMENT AND SELECTION OF EMPLOYMENT AGREEMENT EMPLOYEES.  
19 THESE GUIDELINES SHALL INCLUDE:  
20
- 21 1. A REASONABLE EFFORT TO PUBLICLY SOLICIT APPLICANTS FOR  
22 EMPLOYMENT AGREEMENT EMPLOYMENT;
  - 23 2. A REASONABLE EFFORT TO SCREEN AND SELECT EMPLOYMENT  
24 AGREEMENT EMPLOYEES BY USING METHODS AND CRITERIA THAT ARE  
25 UNIFORMLY APPLIED TO ALL APPLICANTS FOR A PARTICULAR INSTANCE  
26 OF EMPLOYMENT; AND
  - 27 3. CRITERIA TO SELECT EMPLOYMENT AGREEMENT EMPLOYEES THAT ARE  
28 BASED ON THE QUALIFICATIONS OF THE APPLICANT.  
29
- 30 D. THE HUMAN RESOURCES MANAGER, SHALL DEVELOP AND USE STANDARD  
31 APPLICATIONS AND EMPLOYMENT AGREEMENTS, IN CONSULTATION WITH  
32 THE OFFICE OF LAW, AS APPROPRIATE, FOR EACH TYPE OF EMPLOYEE.  
33

34 **SECTION 3.10.020 – TERM FOR EMPLOYMENT AGREEMENT EMPLOYEES.**  
35

- 36 A. THE TERM OF EACH EMPLOYMENT AGREEMENT FOR AN EMPLOYMENT  
37 AGREEMENT EMPLOYEE SHALL BE FOR AN INITIAL PERIOD OF NO MORE THAN  
38 1 YEAR COINCIDING WITH THE CITY'S FISCAL YEAR, AND WITH AN OPTION TO  
39 RENEW FOR NO MORE THAN 4 ADDITIONAL 1 YEAR PERIODS. EACH RENEWAL  
40 TERM SHALL COINCIDE WITH THE CITY'S FISCAL YEAR. EXCEPT AS SPECIFIED  
41 IN THIS SECTION, IN NO EVENT SHALL THE TERM, INCLUDING ALL RENEWALS,  
42 EXCEED 5 YEARS.
- 43 B. AT THE END OF THE TERM, INCLUDING ANY RENEWAL TERMS, THE  
44 EMPLOYMENT AGREEMENT EMPLOYEE MUST EITHER BE CONVERTED TO A  
45 CIVIL SERVICE OR EXEMPT POSITION, OR TERMINATED FROM CITY  
46 EMPLOYMENT. SUCH INDIVIDUAL IS THEREAFTER PROHIBITED FROM BEING

1 HIRED AS AN EMPLOYMENT AGREEMENT EMPLOYEE OF THE CITY IN THE  
2 SAME OR SIMILAR POSITION.

- 3 C. NOTWITHSTANDING ANY OTHER RESTRICTIONS OF THIS SECTION, AN  
4 EMPLOYMENT AGREEMENT FUNDED THROUGH GRANT SOURCES SHALL  
5 TERMINATE AT THE EXPIRATION, OR EARLIER TERMINATION, OF THE GRANT  
6 FUNDING, AND SHALL NOT BE RESTRICTED TO A 5 YEAR TERM LIMIT.
- 7 D. THE TERM REQUIREMENTS SET FORTH IN THIS SECTION SHALL ONLY APPLY  
8 TO EMPLOYMENT AGREEMENT EMPLOYEES AFTER JULY 1, 2020, AND FOR  
9 PURPOSES OF CALCULATING THE 5 YEAR TERM LIMIT, ANY TIMES OF  
10 EMPLOYMENT WITH THE CITY PRIOR TO JULY 1, 2020 SHALL NOT BE  
11 COUNTED.

12  
13 **Section 3.10.030 - Benefits and privileges.**

- 14  
15 A. ~~Positions defined as "other excluded service" include contractual employees, seasonal or~~  
16 ~~temporary employees, and all employees who are part time.~~ Benefits and privileges of the  
17 civil service shall not apply to OTHER EXCLUDED SERVICE EMPLOYEES ~~members of~~  
18 ~~"other excluded service" except to the extent enumerated in THIS SECTION an employment~~  
19 ~~agreement that has been approved by the City Council.~~
- 20  
21 B. THE CITY OFFERS THE FOLLOWING BENEFITS TO OTHER EXCLUDED SERVICES  
22 EMPLOYEES. THESE EMPLOYEES ARE ELIGIBLE FOR BENEFITS UPON HIRE,  
23 UNLESS NOTED OTHERWISE:
- 24  
25 1. TEMPORARY EMPLOYEES AND PART-TIME EMPLOYMENT AGREEMENT  
26 EMPLOYEES (A) SHALL NOT BE ENTITLED TO PARTICIPATE IN ANY CITY  
27 BENEFIT PROGRAMS, PENSION PLANS, OR RETIREMENT PLANS; (B) SHALL  
28 NOT RECEIVE ANY PAID CITY HOLIDAYS; (C) SHALL NOT RECEIVE ANY  
29 PAID OR SICK LEAVE EXCEPT TO THE EXTENT REQUIRED BY LAW; AND (D)  
30 UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, SHALL NOT  
31 BE ENTITLED TO OVERTIME PAY OR COMPENSATORY LEAVE.
- 32 2. FULL-TIME EMPLOYMENT AGREEMENT EMPLOYEES (A) SHALL BE  
33 ENTITLED TO PARTICIPATE IN THE CITY BENEFIT PROGRAMS, BUT NOT IN  
34 ANY PENSION PLANS OR RETIREMENT PLANS; (B) SHALL RECEIVE ALL  
35 PAID CITY HOLIDAYS; (C) SHALL RECEIVE PAID ANNUAL LEAVE IN THE  
36 AMOUNT OF \_\_\_\_\_ HOURS PER CITY FISCAL YEAR; (D) SHALL RECEIVE  
37 SICK LEAVE AS PROVIDED FOR BY LAW; AND (E) MAY BE ENTITLED TO  
38 OVERTIME PAY AND/OR COMPENSATORY LEAVE AS REQUIRED BY  
39 FEDERAL OR STATE LAW. ANY APPLICABLE PAID LEAVE AND/OR PAID  
40 CITY HOLIDAYS SHALL BE PRO-RATED ACCORDINGLY FOR EMPLOYMENT  
41 AGREEMENT TERMS OF LESS THAN A YEAR. ANY APPLICABLE PAID  
42 LEAVE SHALL BE GRANTED AS A LUMP SUM AT THE BEGINNING OF THE  
43 EMPLOYMENT AGREEMENT TERM, AND SHALL BE AVAILABLE FOR THE  
44 EMPLOYMENT AGREEMENT EMPLOYEE'S IMMEDIATE USE UPON  
45 APPROVAL BY THE APPOINTING AUTHORITY OR DESIGNATED CITY  
46 SUPERVISOR. ANY PAID LEAVE REMAINING UPON THE EXPIRATION, OR

1 EARLIER TERMINATION, OF THE EMPLOYMENT AGREEMENT SHALL BE  
2 FORFEITED, UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW,  
3 AND EXCEPT THAT ANNUAL LEAVE MAY BE ROLLED OVER INTO A NEW  
4 EMPLOYMENT AGREEMENT IF, DUE TO A DECLARED LOCAL EMERGENCY  
5 OR OTHER FORCE MAJEURE EVENT, THE CITY DOES NOT GRANT THE  
6 EMPLOYMENT AGREEMENT EMPLOYEE PERMISSION TO USE SUCH LEAVE  
7 DURING THE ENTIRE TERM OF THE EMPLOYMENT AGREEMENT.  
8

9  
10 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
11 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from July 1, 2020.  
12

13  
14 **Explanation:**

15 UPPERCASE indicates matter added to existing law.

16 ~~Strikethrough~~ indicates matter stricken from existing law.

17 Underlining indicates amendments.  
18