

**O-12-16**  
**City of Annapolis Departmental Reorganization**

**Alderwoman PindellCharles - Proposed Amendments**

**AMENDMENT #1**

Page 7, line 6, insert:

**“CHAPTER 2.08 – PUBLIC ETHICS AND FINANCIAL DISCLOSURE**

**Section 2.08.030 - Ethics Commission.**

- A. Composition and appointment. The City Ethics Commission is composed of five City resident members who are nominated by the Mayor and confirmed by a majority vote of the City Council within thirty days of a nomination. Each member of the Commission shall serve for a term of one to five years from the date of confirmation so member terms are overlapping. No member of the commission shall be an elected or appointed official of the City, or any individual who is otherwise subject to the provisions of this section of the code. Upon occurrence of a vacancy on the Commission for any reason, the Mayor shall nominate an individual to fill that position for a term of up to five years. A Commission member may serve until re-appointed or a successor is appointed. Nothing herein shall preclude the nomination and confirmation of a member to serve successive terms.
- B. The Commission shall elect a Chairman and Vice Chairman for one year terms from among its members. They must be elected annually in February and may be reelected. The Chairman shall provide the Mayor and City Council an annual report by January 31 for the prior calendar year.
- C. Duties and responsibilities. The Commission shall be assisted in carrying out its duties and responsibilities by the City Attorney or, in situations where there is a potential conflict of interest, may use other legal counsel. The Ethics Commission has the following duties and responsibilities:
  - 1. To develop all forms required by this Chapter. Completed copies of such forms shall be reviewed by the Commission for compliance with this chapter and retained by the City Attorney's office;
  - 2. To receive and respond to written requests from any person who is subject to or who may be subject to the provisions of this chapter for an opinion, assistance, or guidance in interpreting the requirements of this chapter. Advisory opinions may also be provided in response to questions from any person interested in maintaining high ethical standards of conduct within the City government. Such advisory opinions of the Ethics Commission shall be provided in a timely manner in writing with a copy filed in the City Attorney's office. Extracts from or summaries of advisory opinions may be made public at the discretion of the Ethics Commission. The Commission shall redact the opinion by deleting the name of the person subject to the opinion and, to the fullest

extent possible, any other information that may identify the person who is subject of the opinion if such information is not material. If an advisory opinion is not made public by the Ethics Commission, the opinion and the identity of the person subject to the opinion shall be confidential and may not otherwise be revealed. Any official or employee who in good faith relies on an advisory opinion of the Commission shall not be disciplined if the action is found thereafter to be a violation of this chapter;

3. To expeditiously process, investigate and make determinations as to complaints initiated by a majority of the Commission or filed by any person alleging violation of the provisions of this chapter;
4. To issue subpoenas, administer oaths and compel the attendance of witnesses and production of documents at its proceedings;
5. To take enforcement actions as are authorized by the provisions of Section 2.08.100
6. To provide the City's ~~Department~~OFFICE of Human Resources with information concerning the purpose and implementation of this chapter so they may ensure that all City officials and employees are aware of their responsibility for maintaining high ethical standards in conducting the business of the City; and
7. The Ethics Commission shall adopt procedures for the conduct of its business in accordance with this chapter, and such procedures shall be available to the public;
8. The Ethics Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City of Annapolis is in compliance with the requirements of the Annotated Code of Maryland, State Government Article, Title 15, Subtitle 8, for elected local officials.

#### **Section 2.08.100 - Enforcement.**

##### **A. Enforcement authority of Commission.**

1. Upon a finding of a violation of any provision of this chapter, the Commission may:
  - a. Issue an order of compliance directing the respondent to cease and desist from the violation;
  - b. Issue a reprimand; or
  - c. Recommend to the appropriate City authority:
    - (I) Discipline of the respondent, including censure, suspension, demotion in position, or removal if that discipline is authorized by law, and/or
    - (II) Suspension from receiving payment or salary or other compensation pending full compliance with the terms of an order of the Commission, City Council, or Court.
2. After receipt of a recommendation provided for in paragraph 1.c. above, the Mayor, City Manager, Supervisor, or the Human Resources OFFICE ~~Department~~, as appropriate, will report to the Commission within fourteen days after any action is taken in response to the Commission's recommendations, but no later than sixty days after recommendations are issued by the Commission.

3. If the Commission finds that a respondent has violated Section 2.08.070, lobbying disclosure, of this chapter, the Commission may:
  - a. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under Section 2.08.070 of this chapter;
  - b. Impose a fine not exceeding five thousand dollars for each violation; and
  - c. Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated Section 2.08.070 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

B. Injunctive relief.

1. Upon request of the Commission, the City Attorney may file a petition for injunctive or other relief in the Circuit Court of Anne Arundel County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
2. Court authority.
  - a. The court may:
    - (1) Issue an order to cease and desist from the violation;
    - (2) Except as provided in subparagraph B. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public;
    - (3) Impose a fine of up to five thousand dollars for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
  - b. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

C. Maintenance of records.

1. A person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this chapter for three years from the date of filing the report, statement, or record.
2. These papers and documents shall be available for inspection within fifteen days of a written request by the Commission.”

## **AMENDMENT #2**

Page 8, lines 3 and 4 strike “Department of” and substitute “CITY MANAGER”; unstrike “Human Resources” and strike “FINANCE”.

## **AMENDMENT #3**

Page 15, line 22, before the word Section insert:

### **“TITLE 3 – HUMAN RESOURCES Chapter 3.08 Exempt Service Section 3.08.010 - Positions included.**”

The exempt service includes:

1. All the elected officials;
2. All department directors;
3. City Manager;
4. Communications Officer;
5. City Attorney;
6. Assistant City Attorney;
7. Attorney 1;
8. Attorney 2;
9. Community Relations Specialist;
10. Human Services Officer and Ombudsman;
11. Administrative Assistant;
12. Assistant City Manager;
13. Public Information Officer and Quartermaster;
14. Executive Office Associate;
15. Recruitment/Employee Relations Administrator;
16. Deputy Fire Chiefs; ~~and~~
17. Police Major and Captains;;
18. HUMAN RESOURCES MANAGER; AND
19. DIRECTOR OF OFFICE OF ENVIRONMENTAL POLICY.”

## **AMENDMENT #4**

Page 15, in the Table beginning at line 26 after “~~Director of Neighborhood and Environmental Programs~~” insert “DIRECTOR OF OFFICE OF ENVIRONMENTAL POLICY” and unstrike the corresponding Grade “A20”; substitute “~~Human Resources Director~~” with “Human Resources MANAGER” and substitute corresponding Grade “A20” with “A18”.

## **AMENDMENT #5**

Page 16, line 21, strike "Director of" and on line 22 after "Human Resources" insert "MANAGER".

### **AMENDMENT #6**

Page 18, line 10, strike language after "funding".

Page 18, lines 16, 18, 33 and 37, in each instance, unstrike "~~Human Resources~~" strike "FINANCE Director" and substitute with "MANAGER".

Page 18, line 14 insert:

#### **"Section 3.08.070 - Job descriptions.**

- A. All exempt service job descriptions, with the exception of the City Manager and Department Directors, shall be approved by the ~~Director of~~ Human Resources MANAGER and City Manager.
- B. The job descriptions for the City Manager and Department Directors shall be reviewed by the ~~Director of~~ Human Resources MANAGER and City Manager and then submitted to the City Council for approval.
- C. The job descriptions for contractual employees shall be prepared by the hiring Department and ~~Department OFFICE~~ of Human Resources and then approved by the ~~Director of~~ Human Resources MANAGER and City Manager."

#### **Chapter 3.10 – Other Excluded Service**

##### **Section 3.10.010 - False statements.**

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

Page 18, line 39, insert:

**“Chapter 3.12 – Civil Service Administration  
Section 3.12.050 - Civil Service Board—Duties.**

The Civil Service Board shall be responsible for:

- A. Approving the classification and establishment of minimum qualifications for all civil service positions upon the recommendation of the Human Resources ~~Director~~MANAGER. Any new or reclassified position that will result in a financial impact to the budget shall be subject to funding approval through the annual budget process or the budget transfer process defined in Section 6.16.020 of the City Code;
- B. Making recommendations to the City Council as provided in this chapter;
- C. Making recommendations to the appointing authorities and City Council designed to promote the morale and training of the civil service employees;
- D. Hearing and deciding all appeals from civil service employees as provided by Chapter 3.16 of this Code, intolerable working conditions and other areas enumerated in the rules and regulations of the Personnel System.

**Section 3.12.060 - Classification.**

The Human Resources ~~Director~~MANAGER is responsible for the classification and the reclassification of each position in the civil service system. Each position shall be classified in a job description on the basis of the kind and level of duties and responsibilities assigned to the position. A job description may include one position or several similar positions. The positions classified in one job description shall be sufficiently alike to permit the use of a single descriptive title, the same minimum qualifications, and the same pay scale. Job descriptions and any subsequent revisions shall be forwarded to the Civil Service Board for approval.

**Section 3.12.070 - Pay plan.**

- A. The Human Resources ~~Director~~MANAGER is responsible for the preparation and maintenance of a pay plan. Each job description in the civil service system shall be placed in a pay grade which offers a range of pay commensurate with the duties and responsibilities enumerated in the job description. The pay plan shall become effective upon the date specified in the resolution of the City Council adopting the pay plan.
- B. Revisions in the pay plan requested by appointing authorities shall be submitted to the Human Resources ~~Director~~MANAGER. The Human Resources ~~Director~~MANAGER may also initiate such revisions in the pay plan for any civil service employee as is deemed necessary. The Human Resources ~~Director~~MANAGER shall forward pay plan revisions to the City Council with recommendations.
- C. In-grade pay increases for civil service employees shall be governed by the following:

1. A civil service employee shall not be granted an in-grade pay increase without the favorable recommendation of the employee's supervisor and appointing authority. At least twelve months shall elapse between each in-grade pay increase granted to any one civil service employee. No employee shall be paid a salary less than the minimum nor more than the maximum limits prescribed by the pay grade to which the employee's position has been assigned.

2. An in-grade pay increase may be awarded only to a civil service employee who exceeds the recommended minimum standards of the position the employee occupies. A recommendation for an in-grade pay increase shall be based on a review of the employee's performance since the last in-grade pay increase. In no case shall an in-grade increase be awarded without regard to an employee's performance.

3. Except as changed in accordance with Section 3.04.010, an employee's anniversary date shall be:

a. The employee's date of hire if the employee became a member of the civil service system after May 1, 1980; or

b. The employee's review date as of March 1, 1980, if the employee became a member of the civil service system on or before March 1, 1980.

D. Once a pay plan has been adopted, the City Council shall not increase or decrease the pay of an individual employee but shall change rates of pay only by the passage of a resolution revising the pay plan.

## **Chapter 3.16 – Appointment, Status and Separation**

### **Section 3.16.030 - Appointments.**

A. The appointment to fill a vacancy shall be based on merit determined by procedures established by rules and regulations of the personnel system.

B. Policies and procedures for administering appointment lists shall be enumerated in the rules and regulations of the personnel system concerning the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of the names of eligible applicants.

C. Applicants for a vacant position who apply and qualify for employment or reemployment shall be placed on an appointment list. When an appointment is to be made to fill a vacancy, the Human Resources ~~Director~~ MANAGER shall certify the list to the appointing authority. The decision of the appointing authority as to the employment of any applicant shall be final.

### **Section 3.16.050 - Promotions within Police and Fire Departments.**

In addition to any other requirements of this title pertaining to promotions, all sworn members of the Police and Fire Departments shall be required to take examinations for promotion to a higher rank. The content of such examinations, as well as all procedures for administering and evaluating the examinations, and any other requirements for promotion within the Police and

Fire Departments, eligibility for promotion, or criteria for promotion, shall be established and revised, from time to time, by the Human Resources ~~Director~~MANAGER after obtaining the recommendation of the respective chief of the department. All requirements and procedures for promotion within the Police and Fire Departments shall be in writing and made available to all members of those departments.

### **Section 3.16.060 - Disability examinations.**

A. The Human Resources ~~Director~~MANAGER, in addition to all other duties, may refer to a private health care provider for examinations all applicants for employment and any employee when requested to do so by the employee's appointing authority, or their duly authorized agents. The Human Resources ~~Director~~MANAGER shall request that the health care provider report the findings to the Human Resources ~~Director~~MANAGER upon completion of the examination, and the Human Resources ~~Director~~MANAGER shall make recommendations to the appropriate appointing authority based upon the health care provider's report as to employment of the applicant, retention or any other findings regarding the employee.

B. The case of any employee on sick leave, or absent due to injury or illness, for thirty or more work days during any twelve consecutive month period, may be referred to a health care provider by the Human Resources ~~Director~~MANAGER for an examination. Upon receipt of the health care provider's report, the Human Resources ~~Director~~MANAGER shall recommend to the employee's appointing authority based upon the health care provider's report:

1. That the employee be returned to work in the same or in some other available capacity or position; or
2. That the employee be continued on sick leave, if available, or leave of absence without pay; or
3. That the employee be dismissed pursuant to Section 3.16.120 by reason of incapacity in performance of duties.

C. The case of an employee continued on sick leave or leave of absence without pay may be reevaluated under this chapter not more than once every thirty days thereafter until the employee either returns to full duty or is dismissed by reason of incapacity.

D. An employee on sick leave, or absent due to injury or illness, who fails or refuses to appear at a physical examination scheduled pursuant to this Section or who fails or refuses to return to work after being directed to do so based upon a physician report indicating that the employee is able to return to work, shall be subject to discipline pursuant to Section 3.16.120.

E. The Human Resources ~~Director~~MANAGER shall recommend to the City Council regulations consistent with the provisions of this chapter for publication in the City Rules and Regulations of the personnel system.

### **Section 3.16.080 - Permanent status.**

A probationary status civil service employee shall be retained beyond the end of the probationary period and granted permanent civil service status if the appointing authority certifies that the services of the employee have been found satisfactory and recommends to the Human Resources ~~Director~~MANAGER that the employee be given permanent status.



### **Section 3.16.120 - Discipline.**

A. A permanent status employee may be disciplined when, in the judgment of the appointing authority, the employee's work or misconduct so warrants. The procedures set forth in Sections 3.16.120 and 3.16.150 shall apply whenever disciplinary action is taken against a permanent status employee except cases governed by the Law Enforcement Officer's Bill of Rights as may be amended from time to time, and cases in which an employee elects to pursue a grievance procedure under a collective bargaining agreement.

B. The following constitute grounds for discipline:

1. Incompetence, incapacity or inefficiency in performance of duties;
2. Violation of law, rules and regulations of the personnel system, departmental rules, regulations, orders, policies, or failure to obey any lawful or reasonable direction;
3. Conviction of a felony or of any offense that negatively impacts the employee's position;
4. Willful or repeated negligence in performing duties;
5. Conduct unbecoming of an employee of the City;
6. Conduct detrimental to the efficiency and morale of the service;
7. Misuse of public funds or property;
8. Knowingly falsifying reports or records;
9. Intoxication, illegal drug use, or possession of drugs or alcohol while on duty;
10. Violation of the provisions of Chapter 2.08 and Section 3.24.020(C);
11. Excessive absenteeism.

C. Upon a finding by the appointing authority that an employee's conduct is prohibited or subject to discipline, the appointing authority may impose reasonable discipline including, but not limited to reprimand, suspension, demotion, transfer or dismissal.

D. When the appointing authority takes disciplinary action pursuant to this chapter, the appointing authority shall file with the employee and the Human Resources ~~Director~~ MANAGER a written notification containing a statement of the reasons for the action.

E. In cases involving a proposed suspension or dismissal, the appointing authority may place the employee on administrative leave, with or without pay, pending disposition of the proposed disciplinary action. If the appointing authority places the employee on administrative leave pursuant to this Subsection, the appointing authority shall specify the terms of such leave in the notice of the disciplinary action provided under Section 3.16.120(D).

### AMENDMENT #7

Page 19, lines 6, 24 and 29-30, in each instance, unstrike “~~Human Resources~~” strike “FINANCE Department” and substitute with “MANAGER”; and on lines 17-18 unstrike “~~Human Resources~~” strike “FINANCE Director” and substitute with “MANAGER”.

### AMENDMENT #8

Page 20, lines 17 and 37, in each instance, unstrike “~~Human Resources~~” strike “FINANCE Department” and substitute with “MANAGER”; and on line 31 unstrike “~~Human Resources~~” strike “FINANCE Director” and substitute with “MANAGER”.

### AMENDMENT #9

Page 22, line 9 insert:

#### **“Chapter 3.20 - Leaves Section 3.20.080 - Sick leave.**

Each full-time civil service employee shall be entitled to paid sick leave at the employee's regular rate of pay. Sick leave shall be granted and administered as follows:

- A. Upon completion of six months' continuous employment, employees are entitled to sick leave accrued from the date of first employment at the rate of one and one-quarter working days per month.
- B. When an employee becomes ill the employee shall notify the immediate supervisor or appointing authority prior to the start time of the scheduled work day and the probable date of return to work. In the case of absences due to illness for over three consecutive days the employee shall obtain and provide a certificate from a licensed medical provider describing the nature of the illness, date treatment began, and date of discharge or probable date of discharge from treatment. Failure to timely notify the supervisor or appointing authority is sufficient cause for disciplinary action.
- C. All sick leave shall be substantiated by an approved sick leave form to be submitted by the employee.
- D. Absence due to illness or injury incurred while on duty shall be substantiated by a sick leave request. When an employee is rendered unable to report for work because of an illness or injury sustained while in the line of duty and subsequently receives workers' compensation, then, during the period of the employee's inability to report for work, the City shall pay to the employee the difference between the amount received through workers' compensation and the employee's current basic salary. The portion of time paid for by the City shall be charged against the employee's accumulated sick leave, but no

charge shall be made against sick leave for that portion of time which is paid for by workers' compensation. Should the term of any case exceed a period of thirty calendar days, the case shall be referred by the Human Resources ~~Director~~MANAGER for a medical evaluation and recommendation in accordance with Chapter 3.16. If any employee has received all of his/her sick leave entitlement and remains unable to report for work, the employee shall revert to nonpay status unless otherwise authorized by the appointing authority.

### **Section 3.20.140 - Sick leave bank.**

By regulation, the ~~Department~~OFFICE of Human Resources shall establish a sick leave bank to which employees may donate unused annual leave and from which employees who are entitled to sick leave but have exhausted all sick leave may draw additional sick leave from the bank.

### **Chapter 3.28 - MEDICAL REVIEW\***

The Human Resources ~~Director~~MANAGER may retain outside medical professionals to perform independent medical examinations as needed in order to assess the fitness for duty of applicants or employees.

### **Chapter 3.32 – Employee-Management Relations**

#### **Section 3.32.060 - Negotiations.**

- A. Upon recognition of an employee organization as the exclusive representative of the employees in an appropriate unit, the employer and the employee organization shall have the duty, through appropriate officials or their representatives, to negotiate collectively and in good faith with respect to the terms and conditions of employment of employees in the unit. To negotiate with each other in good faith shall mean that each party shall keep the other informed on all matters within the scope of the representation and give reasonable written notice of any action proposed to be taken.
- B. Negotiations with an employee organization which has been accorded exclusive recognition may be conducted during the duty hours of the employee organization representatives involved in the negotiations, if they are employees within the appropriate unit, provided their attendance does not interfere seriously with the normal operations of the City and upon notice to their supervisor.
- C. The ~~Human Resources Director~~CITY MANAGER shall act as the City's primary representative for the purpose of conducting any negotiations or other relationships between any recognized employee organization and the City government.
- D. The parties shall begin negotiations not later than October prior to the beginning of the effective fiscal year. When the parties reach agreement, they shall prepare a written memorandum of such agreement and submit it to the City Council for its ratification or

rejection. To have the results of any agreement considered by the City Council, that agreement must conform to the City's fiscal year or years and be submitted to the Mayor by the first Monday in February prior to the beginning of the effective fiscal year so as to allow the financial impact of any negotiations to be included in the Mayor's annual budget submission under Section 6.16.010. However, any agreement governing the relationship between the City and any recognized employee organization shall be entered into consistent with provisions of this section and all other applicable laws or ordinances of the City. In the event of any conflict or inconsistency between a collective bargaining agreement entered into between the City and a recognized employee organization and any Federal, State or City law, the provisions of the Federal, State or City law shall prevail.

### **AMENDMENT #10**

Page 2, line 1, before "Section 2.16.210" insert "Section 2.08.030" and "Section 2.08.100" sequentially and on consecutive lines.

Page 2, line 6, before "Section 3.08.030" insert "Section 3.08.010" and "Section 3.08.070" sequentially and on consecutive lines.

Page 2, line 7, before "Section 3.12.030" insert "Section 3.10.010" as a consecutive line.

Page 2, line 8, before "Section 3.16.150" insert "Section 3.12.050, Section 3.12.060, Section 3.12.070, Section 3.16.030, Section 3.16.050, Section 3.16.060, Section 3.16.080, and 3.16.120" sequentially and on consecutive lines.

Page 2, line 9, before "Section 6.04.230" insert "3.20.080, Section 3.20.140 and Section 3.32.060" sequentially and on consecutive lines.