



## Legislation Details (With Text)

**File #:** O-27-20      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 6/17/2020      **In control:** City Council

**On agenda:** 9/14/2020      **Final action:** 10/12/2020

**Title:** Other Excluded Service Employees - For the purpose of providing policies and practices concerning other excluded service employees, including full-timeEMPLOYMENT AGREEMENT AND temporary, and grant-funded employees; providing definitions; and generally relating to contractualOTHER EXCLUDED SERVICE employees.

**Sponsors:** Gavin Buckley, Sheila Finlayson

**Indexes:** Housing and Human Welfare Committee, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-27-20 Other Excluded Service Employees First Reader.pdf, 2. O-27-20 Staff Report.pdf, 3. O-27-20 Fiscal Impact Note.pdf, 4. O-27-20 Other Excluded Service Employees w Redlined Buckley Amendments 1-10.pdf, 5. O-27-20 Amendments 1-10 Mayor Buckley.pdf, 6. O-27-20 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/12/2020	1	Rules & City Government Committee	recommend with amendments	Pass
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
10/12/2020	1	City Council	amended	Pass
10/12/2020	1	City Council	adopt as amended	Pass
10/12/2020	1	City Council	adopt on third reader	Pass
10/12/2020	1	City Council	Cosponsor added	
10/12/2020	1	City Council	adopt on second reader	Pass
10/6/2020	1	Rules & City Government Committee	postpone	Pass
9/8/2020	1	Rules & City Government Committee	postpone	Pass
7/27/2020	1	City Council	declare the public hearing closed	
6/22/2020	1	City Council	adopt on first reader	Pass
6/22/2020	1	City Council	refer	

**Other Excluded Service Employees -** For the purpose of providing policies and practices concerning other excluded service employees, including ~~full-time~~EMPLOYMENT AGREEMENT AND temporary, ~~and grant-funded~~ employees; providing definitions; and generally relating to ~~contractual~~OTHER EXCLUDED SERVICE employees.

## CITY COUNCIL OF THE City of Annapolis

### Ordinance 27-20

**Introduced by: Mayor Buckley**  
**Co-sponsored by: Alderwoman Finlayson**

**Referred to**  
**Rules and City Government**

**AN ORDINANCE** concerning

**Other Excluded Service Employees**

**FOR** the purpose of providing policies and practices concerning other excluded service employees, including ~~full-time~~ EMPLOYMENT AGREEMENT AND temporary, ~~and grant-funded~~ employees; providing definitions; and generally relating to ~~contractual~~ OTHER EXCLUDED SERVICE employees.

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

**BY** repealing the following portions of the Code of the City of Annapolis, 2020 Edition  
3.10.010  
3.10.020  
3.10.030

**BY** adding the following portions to the Code of the City of Annapolis, 2020 Edition  
3.04.030  
3.10.010  
3.10.020  
3.10.030

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

**Title 3 - HUMAN RESOURCES**

**Chapter 3.04 - GENERAL PROVISIONS**

**Section 3.04.010 - Definitions.**

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

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

"Appointing authority" means:

1. The Mayor, for positions assigned to the office of the Mayor.

2. The City Manager for the director of each department.
3. The director of each department, for positions assigned to that department.
4. THE HEAD OF AN OFFICE, FOR POSITIONS ASSIGNED TO THAT OFFICE.

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

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

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

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

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

"EMPLOYMENT AGREEMENT" MEANS A WRITTEN AGREEMENT EXECUTED WITH THE CITY FOR AN INDIVIDUAL TO PROVIDE PERSONAL SERVICES TO THE CITY FOR PAY ON EITHER A PART-TIME OR FULL-TIME BASIS."

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

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

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

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

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

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

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

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

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

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

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

"TEMPORARY EMPLOYEE" MEANS ANY OTHER EXCLUDED SERVICE EMPLOYEE APPOINTED FOR A SPECIAL PROJECT, PROGRAM, GRANT OR SEASONAL EMPLOYMENT WHO WORKS EITHER PART-TIME FOR LESS THAN 30 REGULARLY SCHEDULED HOURS PER WEEK OR FULL-TIME FOR NO MORE THAN 106 CONSECUTIVE DAYS PER CITY FISCAL YEAR. TEMPORARY EMPLOYEES ARE NOT REQUIRED TO EXECUTE AN EMPLOYMENT AGREEMENT, UNLESS OTHERWISE REQUIRED BY THE APPOINTING AUTHORITY.

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

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

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

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

- A. ALL INDIVIDUALS APPLYING FOR CIVIL, EXEMPT, OR OTHER EXCLUDED SERVICE EMPLOYEE POSITIONS SHALL SIGN AND SUBMIT TO THE HUMAN RESOURCES MANAGER A COMPLETED CITY OF ANNAPOLIS EMPLOYMENT APPLICATION, EMPLOYMENT AGREEMENT, OR OTHER 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 KNOWINGLY MADE A 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 KNOWINGLY MADE A FALSE STATEMENT IN THAT INDIVIDUAL'S EMPLOYMENT APPLICATION OR RESUME, 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 OF THE PERSONNEL SYSTEM.
- C. THE REQUIREMENTS SET FORTH IN THIS SECTION APPLY TO ALL APPLICATIONS AND RESUMES THAT ARE SUBMITTED BY ANY CITY EMPLOYEE ON OR AFTER JUNE 14, 2004.

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

- A. All individuals applying for civil, exempt or excluded service positions shall sign and submit to the Human Resources 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.

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

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

**CHAPTER 3.10 - EMPLOYMENT AGREEMENT EMPLOYEES.**

**SECTION 3.10.010 - REQUIREMENTS FOR EMPLOYMENT AGREEMENT EMPLOYEES.**

- A. AN EMPLOYMENT AGREEMENT EMPLOYEE SHALL HAVE AN EMPLOYER-EMPLOYEE RELATIONSHIP WITH THE CITY, AS EVIDENCED BY AN EMPLOYMENT AGREEMENT, IN WHICH THE CITY:
1. FURNISHES NECESSARY TOOLS AND A PLACE TO WORK;
  2. HAS THE RIGHT TO CONTROL AND DIRECT THE DETAILS, MEANS, AND RESULTS OF THE PERFORMANCE OF THE SERVICES; AND
  3. HAS THE RIGHT TO DISCHARGE THE INDIVIDUAL FROM EMPLOYMENT.
- B. THE CITY MAY NOT EXECUTE OR RENEW AN EMPLOYMENT AGREEMENT FOR AN EMPLOYMENT AGREEMENT EMPLOYEE UNLESS THE HUMAN RESOURCES MANAGER CERTIFIES IN WRITING THAT:
1. THE RATE OF PAY FOR THE EMPLOYMENT AGREEMENT EMPLOYEE IS COMPARABLE TO THE RATE PAID TO EMPLOYEES IN POSITIONS THAT INVOLVE COMPARABLE DUTIES, RESPONSIBILITIES, EXPERIENCE, AND AUTHORITY; AND
  2. THE SERVICES TO BE PERFORMED UNDER THE EMPLOYMENT AGREEMENT ENCOMPASS FUNCTIONS THAT:
    - a. ARE NEEDED FOR A LIMITED PURPOSE OR TIME PERIOD;
    - b. ARE UNIQUE IN NATURE OR AVAILABILITY;
    - c. NEED TO BE IMPLEMENTED QUICKLY AND FOR WHICH THERE IS NO REASONABLE ALTERNATIVE; OR
    - d. ARE GRANT FUNDED.
- C. THE HUMAN RESOURCES MANAGER SHALL ADOPT GUIDELINES FOR THE RECRUITMENT AND SELECTION OF EMPLOYMENT AGREEMENT EMPLOYEES. THESE GUIDELINES SHALL INCLUDE:
1. A REASONABLE EFFORT TO PUBLICLY SOLICIT APPLICANTS FOR EMPLOYMENT AGREEMENT EMPLOYMENT;
  2. A REASONABLE EFFORT TO SCREEN AND SELECT EMPLOYMENT AGREEMENT EMPLOYEES BY USING METHODS AND CRITERIA THAT ARE UNIFORMLY APPLIED TO ALL APPLICANTS FOR A PARTICULAR INSTANCE OF EMPLOYMENT; AND
  3. CRITERIA TO SELECT EMPLOYMENT AGREEMENT EMPLOYEES THAT ARE BASED ON THE QUALIFICATIONS OF THE APPLICANT.
- D. THE HUMAN RESOURCES MANAGER, SHALL DEVELOP AND USE STANDARD APPLICATIONS AND EMPLOYMENT AGREEMENTS, IN CONSULTATION WITH THE OFFICE OF LAW, AS APPROPRIATE, FOR EACH TYPE OF EMPLOYMENT AGREEMENT EMPLOYEE.

### SECTION 3.10.020 - TERM FOR EMPLOYMENT AGREEMENT EMPLOYEES.

- A. THE TERM OF EACH EMPLOYMENT AGREEMENT FOR AN EMPLOYMENT AGREEMENT EMPLOYEE SHALL BE FOR AN INITIAL PERIOD OF NO MORE THAN 1 YEAR COINCIDING WITH THE CITY'S FISCAL YEAR, AND WITH AN OPTION TO RENEW FOR NO MORE THAN 4 ADDITIONAL 1 YEAR PERIODS. EACH RENEWAL TERM SHALL COINCIDE WITH THE CITY'S FISCAL YEAR. EXCEPT AS SPECIFIED IN THIS SECTION, IN NO EVENT SHALL THE TERM, INCLUDING ALL RENEWALS, EXCEED 5 YEARS.
- B. AT THE END OF THE TERM, INCLUDING ANY RENEWAL TERMS, THE EMPLOYMENT AGREEMENT EMPLOYEE MUST EITHER BE CONVERTED TO A CIVIL SERVICE OR EXEMPT POSITION, OR TERMINATED FROM CITY EMPLOYMENT. SUCH INDIVIDUAL IS THEREAFTER PROHIBITED FROM BEING HIRED AS AN EMPLOYMENT AGREEMENT EMPLOYEE OF THE CITY IN THE SAME OR SIMILAR POSITION.
- C. NOTWITHSTANDING ANY OTHER RESTRICTIONS OF THIS SECTION, AN EMPLOYMENT AGREEMENT FUNDED THROUGH GRANT SOURCES SHALL TERMINATE AT THE EXPIRATION, OR EARLIER TERMINATION, OF THE GRANT FUNDING, AND SHALL NOT BE RESTRICTED TO A 5 YEAR TERM LIMIT.
- D. THE TERM REQUIREMENTS SET FORTH IN THIS SECTION SHALL ONLY APPLY TO EMPLOYMENT AGREEMENT EMPLOYEES AFTER JULY 1, 2020, AND FOR PURPOSES OF CALCULATING THE 5 YEAR TERM LIMIT, ANY TIMES OF EMPLOYMENT WITH THE CITY PRIOR TO JULY 1, 2020 SHALL NOT BE COUNTED.
- A. THE TERM OF EACH EMPLOYMENT AGREEMENT FOR AN EMPLOYMENT AGREEMENT EMPLOYEE SHALL CONSIST OF AN INITIAL TERM OF NO MORE THAN 1 YEAR COINCIDING WITH THE CITY'S FISCAL YEAR, PLUS THE CITY OPTION TO RENEW FOR NO MORE THAN 4 ADDITIONAL 1 YEAR RENEWAL TERMS. EACH RENEWAL TERM SHALL COINCIDE WITH THE CITY'S FISCAL YEAR. EXCEPT AS OTHERWISE PERMITTED BY THIS SECTION, IN NO EVENT SHALL THE COMBINED TERMS OF ALL EMPLOYMENT AGREEMENTS FOR AN EMPLOYMENT AGREEMENT EMPLOYEE, WHICH ARE EFFECTIVE JULY 1, 2020 OR LATER, EXTEND OVER MORE THAN 5 CITY FISCAL YEARS REGARDLESS OF WHETHER AN EMPLOYMENT AGREEMENT EMPLOYEE WORKS PART-TIME, FULL-TIME, AND/OR FOR ONLY A PORTION OF ANY CITY FISCAL YEAR.
- B. AT THE END OF THE EARLIER OF THE EMPLOYMENT AGREEMENT TERM OR THE TERM LIMIT SPECIFIED IN SECTION 3.10.020.A, THE EMPLOYMENT AGREEMENT EMPLOYEE MUST EITHER BE CONVERTED TO A CIVIL SERVICE OR EXEMPT POSITION, OR TERMINATED FROM CITY EMPLOYMENT. SUCH INDIVIDUAL IS THEREAFTER PROHIBITED FROM BEING HIRED AS AN EMPLOYMENT AGREEMENT EMPLOYEE OF THE CITY IN THE SAME OR SIMILAR POSITION.
- C. THE TERM REQUIREMENTS SET FORTH IN THIS SECTION SHALL NOT APPLY TO AN EMPLOYMENT AGREEMENT FUNDED THROUGH GRANT SOURCES, AND ANY SUCH GRANT-FUNDED EMPLOYMENT AGREEMENT SHALL TERMINATE AT THE EXPIRATION, OR EARLIER TERMINATION, OF THE GRANT FUNDING.
- D. THE TERM REQUIREMENTS SET FORTH IN THIS SECTION SHALL ONLY APPLY TO EMPLOYMENT AGREEMENTS EXECUTED AFTER JULY 1, 2020, AND FOR PURPOSES OF CALCULATING THE TERM LIMIT, ANY TIMES OF EMPLOYMENT WITH THE CITY PRIOR TO JULY 1, 2020 SHALL NOT BE COUNTED.
- E. THE TERM REQUIREMENTS SET FORTH IN THIS SECTION SHALL NOT APPLY TO CIVIL SERVICE, EXEMPT SERVICE, OR TEMPORARY EMPLOYEES.

### Section 3.10.030 - Benefits and privileges.

- A. Positions defined as "other excluded service" include contractual employees, seasonal or temporary employees, and all employees who are part time. Benefits and privileges of the civil service shall not apply to OTHER EXCLUDED SERVICE EMPLOYEES members of "other excluded service" except to the extent enumerated in THIS SECTION an employment agreement that has been approved by the City Council.
- B. THE CITY OFFERS THE FOLLOWING BENEFITS TO OTHER EXCLUDED SERVICES SERVICE EMPLOYEES. THESE OTHER EXCLUDED SERVICE EMPLOYEES ARE ELIGIBLE FOR BENEFITS UPON HIRE, UNLESS NOTED OTHERWISE:
1. TEMPORARY EMPLOYEES AND PART-TIME EMPLOYMENT AGREEMENT EMPLOYEES (A) SHALL NOT BE ENTITLED TO PARTICIPATE IN ANY CITY BENEFIT PROGRAMS, PENSION PLANS, OR RETIREMENT PLANS; (B) SHALL NOT RECEIVE ANY PAID CITY HOLIDAYS; (C) SHALL NOT RECEIVE ANY PAID OR SICK LEAVE EXCEPT TO THE EXTENT REQUIRED BY LAW; AND (D) UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, SHALL NOT BE ENTITLED TO OVERTIME PAY OR COMPENSATORY LEAVE.
  2. FULL-TIME EMPLOYMENT AGREEMENT EMPLOYEES (A) SHALL BE ENTITLED TO PARTICIPATE IN THE CITY BENEFIT PROGRAMS, BUT NOT IN ANY PENSION PLANS OR RETIREMENT PLANS; (B) SHALL RECEIVE ALL PAID CITY HOLIDAYS; (C) SHALL RECEIVE PAID ANNUAL LEAVE IN THE AMOUNT OF \_\_\_\_\_ HOURS PER CITY FISCAL YEAR; (D) SHALL RECEIVE SICK LEAVE AS PROVIDED FOR BY LAW; AND (E) MAY BE ENTITLED TO OVERTIME PAY AND/OR COMPENSATORY LEAVE AS REQUIRED BY FEDERAL OR STATE LAW. ANY APPLICABLE PAID LEAVE AND/OR PAID CITY HOLIDAYS SHALL BE PRO-RATED ACCORDINGLY FOR EMPLOYMENT AGREEMENT TERMS OF LESS THAN A YEAR. ANY APPLICABLE PAID LEAVE SHALL BE GRANTED AS A LUMP SUM AT THE BEGINNING OF THE EMPLOYMENT AGREEMENT TERM, AND SHALL BE AVAILABLE FOR THE EMPLOYMENT AGREEMENT EMPLOYEE'S IMMEDIATE USE UPON APPROVAL BY THE APPOINTING AUTHORITY OR DESIGNATED CITY SUPERVISOR. ANY PAID LEAVE REMAINING UPON THE EXPIRATION, OR EARLIER TERMINATION, OF THE EMPLOYMENT AGREEMENT SHALL BE FORFEITED, UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, AND EXCEPT THAT ANNUAL LEAVE MAY BE ROLLED OVER INTO A NEW EMPLOYMENT AGREEMENT IF, DUE TO A DECLARED LOCAL EMERGENCY OR OTHER FORCE MAJEURE EVENT, THE CITY DOES NOT GRANT THE EMPLOYMENT AGREEMENT EMPLOYEE PERMISSION TO USE SUCH LEAVE DURING THE ENTIRE TERM OF THE EMPLOYMENT AGREEMENT.
  2. FULL-TIME EMPLOYMENT AGREEMENT EMPLOYEES (A) SHALL BE ENTITLED TO PARTICIPATE IN THE CITY BENEFIT PROGRAMS, BUT NOT IN ANY PENSION PLANS OR RETIREMENT PLANS; (B) SHALL RECEIVE ALL PAID CITY HOLIDAYS; (C) EXCEPT AS OTHERWISE SPECIFIED BY SECTION 3.10.030.B.3, SHALL RECEIVE PAID ANNUAL LEAVE IN THE AMOUNT OF 10 DAYS PER CITY FISCAL YEAR THROUGHOUT THE EMPLOYMENT AGREEMENT TERM; (D) SHALL RECEIVE SICK LEAVE AS PROVIDED FOR BY LAW; AND (E) UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, SHALL NOT BE ENTITLED TO OVERTIME PAY OR COMPENSATORY LEAVE. PAID ANNUAL LEAVE AND PAID CITY HOLIDAYS SHALL BE PRO-RATED ACCORDINGLY FOR AN INITIAL TERM AND/OR A RENEWAL TERM OF LESS THAN A YEAR. PAID ANNUAL LEAVE SHALL BE GRANTED AS A LUMP SUM AT THE BEGINNING OF EACH CITY FISCAL YEAR DURING THE EMPLOYMENT AGREEMENT TERM, AND SHALL BE AVAILABLE FOR THE EMPLOYMENT AGREEMENT EMPLOYEE'S IMMEDIATE USE UPON APPROVAL BY

THE APPOINTING AUTHORITY OR DESIGNATED CITY SUPERVISOR. ANY PAID ANNUAL LEAVE REMAINING UPON THE END OF EACH CITY FISCAL YEAR DURING THE EMPLOYMENT AGREEMENT TERM, OR EARLIER TERMINATION THEREOF, SHALL BE FORFEITED, UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW. EXCEPT THAT PAID ANNUAL LEAVE MAY BE ROLLED OVER FROM A PRIOR EMPLOYMENT AGREEMENT WITH THE CITY, OR FROM THE INITIAL TERM OR ANY RENEWAL TERM OF AN EMPLOYMENT AGREEMENT IF, DUE TO A DECLARED LOCAL EMERGENCY OR OTHER FORCE MAJEURE EVENT, THE CITY DOES NOT GRANT PERMISSION TO USE SUCH PAID ANNUAL LEAVE DURING AN ENTIRE CITY FISCAL YEAR DURING THE TERM OF ANY EMPLOYMENT AGREEMENT.

3. NOTWITHSTANDING THE LANGUAGE IN SECTION 3.10.030.B.2 TO THE CONTRARY, EMPLOYMENT AGREEMENT EMPLOYEES WORKING FOR THE CITY PURSUANT TO CITY FISCAL YEAR 2020 EMPLOYMENT AGREEMENTS THAT RECEIVED 15 DAYS OF PAID ANNUAL LEAVE PER CITY FISCAL YEAR UNDER THOSE EMPLOYMENT AGREEMENTS SHALL CONTINUE TO RECEIVE 15 DAYS OF PAID ANNUAL LEAVE PER CITY FISCAL YEAR FOR ANY FUTURE EMPLOYMENT AGREEMENTS AUTHORIZED PURSUANT TO THIS CHAPTER.

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

**Explanation:**

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.