

- Section 3.16.060
- Section 3.16.080
- Section 3.16.120(D)
- Section 3.16.150(A)(1) and (A)(3)
- Section 3.20.080(D)
- Section 3.20.140
- Section 3.28

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 2 - ADMINISTRATION

Chapter 2.21 – DEPARTMENT OF INTEGRATED TECHNOLOGY SOLUTIONS

Section 2.21.010 – Composition.

The Department of Integrated Technology Solutions shall consist of the Director of Integrated Technology Solutions and other officers and employees as may be provided by the City Council.

Section 2.21.030 – Director, Duties.

- A. The Director of Integrated Technology Solutions has charge of, and is responsible for the acquisition, care, maintenance and operation of, all computer systems and related technologies assigned to the department.
- B. The Director of Integrated Technology Solutions controls and manages all network, electronic mail, and Internet activities for the City.
- C. The Director of Integrated Technology Solutions may establish, revise, amend, adjust, or eliminate policies and procedures related to the use of electronic equipment, infrastructure, software, and data subject to the review and approval of the City Manager.

Title 2 - ADMINISTRATION

Chapter 2.22 – DEPARTMENT OF HUMAN RESOURCES

Section 2.22.010 – Composition.

The Department of Human Services shall consist of the Director of Human Resources and other officers and employees as may be provided by the City Council.

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Section 2.22.030 – Director, Duties

The duties of the Director of Human Resources shall conform with the expectations pursuant to § 3.12.030.

Title 2 - ADMINISTRATION

Chapter 2.08 – PUBLIC ETHICS AND FINANCIAL DISCLOSURE

Section 2.08.030 – Ethics Commission.

Subsection 2.08.030(C)(6) and (C)(7)

6. To provide the City's Office Department 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 to maintain high ethical standards in conducting the business of the City;
7. The Ethics Commission shall meet at least once per year with the Director of Human Resources Manager for the purpose of reviewing the steps being taken to ensure that all City officials and employees are aware of their responsibility to maintain high ethical standards in conducting the City's business;

Title 2 - ADMINISTRATION

Chapter 2.08 – PUBLIC ETHICS AND FINANCIAL DISCLOSURE

Section 2.08.100 – Enforcement.

Subsection 2.08.100(A)(2)

2. After receipt of a recommendation provided for in paragraph 1.c. above, the Mayor, City Manager, Supervisor, or the Department of Human Resources Office, 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.

Title 3 - HUMAN RESOURCES

Chapter 3.04 – GENERAL PROVISIONS

Section 3.04.010 – Definitions.

35 "Employment agreement employee" means an ~~other~~ excluded service employee: (1) who, is
36 required to execute an employment agreement; (2) who is not specifically placed in the civil
37 service system by Director of Human Resources ~~Manager~~ or designated as exempt service by the

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1 City Council; (3) who does not meet the definition of a temporary employee; and (4) who has an
2 employer-employee relationship with the City as further described in Chapter 3.10. This includes
3 employees whose positions are fully funded by grant sources that preclude benefits or
4 compensation to which civil service employees are entitled.

Title 3 - HUMAN RESOURCES

Chapter 3.04 - GENERAL PROVISIONS

Section 3.04.030 – False Statements.

Subsection 3.04.030(A)

A. All individuals applying for civil, exempt, or other excluded service employee positions shall sign and submit to the Director of 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.

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 I;
8. Attorney II;
9. Community Engagement Administrator;
10. Community Programs AdministratorServices Specialist;
11. Constituent Services Officer;
12. Administrative Assistant;
13. Assistant City Manager for Administration;
14. Public Information Officer and Quartermaster;

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1 15. Executive Office Associate;

2 16. ~~Recruitment/Employee Relations Administrator;~~

3 16. 17. Deputy Fire Chiefs;

4 17. 18. Police Major;

5 18. Police Captains;

6 19. Human Resources Manager;

7 19. 20. Deputy City Manager for Resilience and Sustainability;

8 20. 21. Economic Development Manager;

9 21. 22. Development/Events Specialist;

10 22. 23. Chief of Staff;

11 24. ~~Office of Integrated Technology Solutions Manager; and~~

12 23. 25. Police Professional Standards Manager; and

13 24. 26. Special Projects/Arts Administrator.

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16 **Title 3 - HUMAN RESOURCES**

17 **Chapter 3.08 - Exempt Service**

18 **Section 3.08.030 - Salary.**

19

20 A. 1.-For purposes of setting annual salaries, the following positions in the exempt service are assigned grades in

21 the City's pay plan as indicated:

Position	Grade
Executive Office Associate	N10
Recruitment/Employee Relations Administrator	N15
Communications Officer	N15
Deputy Fire Chief	F18
<u>Director of Human Resources Manager</u>	<u>N19 E5</u>
Director of Transportation	<u>N20 E5</u>
Deputy City Manager for Resilience and Sustainability	<u>N20 E4</u>
Director of Recreation and Parks	<u>N20 E5</u>
City Attorney	<u>N20 E5</u>
Assistant City Attorney	N18
Attorney I	N14
Attorney II	N16
Director of Finance	<u>N20 E5</u>
Director of Planning and Zoning	<u>N20 E5</u>
Constituent Services Officer	N14

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Community Services Specialist <u>Programs Administrator</u>	N10 <u>N13</u>
Community Engagement Administrator	N14
Administrative Assistant	N8
Assistant City Manager <u>for Administration</u>	N18 <u>E4</u>
Public Information Officer and Quartermaster	N12
Fire Chief	F20 <u>E5</u>
Police Chief	P20 <u>E5</u>
Police Major	P18
Police Captain	P17
Director of Public Works	N20 <u>E5</u>
Economic Development Manager	N17
Chief of Staff	N16 <u>E3</u>
Director of the Office of Emergency Management	N20 <u>E5</u>
<u>Director of</u> Office of Integrated Technology Solutions Manager	N19 <u>E5</u>
Police Professional Standards Manager	N17
Special Projects/Arts Administrator	N10
Director of Central Services	N20 <u>E5</u>

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Title 3 - HUMAN RESOURCES

Chapter 3.08 - Exempt Service

5 Section 3.08.070 – Job descriptions.

6 B. All exempt service job descriptions, with the exception of the City Manager and
 7 Department Director, shall be approved by the Director of Human Resources Manager
 8 and the City Manager.

9 C. The job descriptions for the City Manager and Department Directors shall be reviewed by
 10 the Director of Human Resources and the City Manager and then submitted to the City
 11 Council for approval.

12 D. The job descriptions for contractual employees shall be prepared by the hiring
 13 Department and the Department Office of Human Resources and then approved by the
 14 Director of Human Resources Manager and the City Manager.

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Title 3 - HUMAN RESOURCES

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 Director of 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 Director of 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 Director of 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.

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Title 3 - HUMAN RESOURCES

Chapter 3.12 - CIVIL SERVICE ADMINISTRATION

Section 3.12.020 – City Council—Duties.

The City Council shall:

- A. In conjunction with the adoption of the annual operating budget and whenever deemed necessary, consider the recommendations of the Civil Service Board;
- B. Adopt, by resolution, a pay plan and subsequent revisions after consideration of the recommendations of the Civil Service Board Director of Human Resources.

Title 3 - HUMAN RESOURCES

Chapter 3.12 - CIVIL SERVICE ADMINISTRATION

Section 3.12.030 – Director of Human Resources Manager—Duties.

The **Director of Human Resources Manager** shall be responsible for:

- ¶1. Administering personnel actions;
- ¶2. Maintaining necessary personnel records for all employees and of the proceedings of the Civil Service Board;
- ¶3. Supervising the soliciting, examining and selecting of applicants for all vacant positions;
- ¶4. Disseminating information regarding actions of the Civil Service Board;
- ¶5. Adopting and promulgating rules and regulations governing personnel matters, not in conflict with the United States Constitution, the Maryland State Constitution, the Charter, this Code or any ordinance, to implement the provisions of this title.
 - a. The rules and regulations shall become effective not less than forty-five~~45~~ days following its promulgation and transmission to the City Council by the Director of Human Resources Manager, unless an objection to the rules or regulations, or any portion, is registered by the City Council by a resolution adopted prior to the effective date of the rules or regulations.
 - b. In addition to the foregoing, the City Council may adopt by resolution any rule or regulation recommended by the Director of Human Resources Manager for expedited implementation.
 - c. If so adopted, each such rule or regulation shall become effective upon the approval of the resolution.

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1 F6. Providing each employee with a statement incorporating the City's commitment to
2 principles of fundamental fairness and equal protection and such employee's
3 responsibilities to fulfill associated responsibilities.

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6 **Title 3 - HUMAN RESOURCES**

7 **Chapter 3.12 - CIVIL SERVICE ADMINISTRATION**

8 **Section 3.12.060 – Classification.**

9

10 The Director of Human Resources Manager is responsible for the classification and the
11 reclassification of each position in the civil service system.

12 1. Each position shall be classified in a job description on the basis of the kind and level
13 of duties and responsibilities assigned to the position.

14 2. A job description may include one position or several similar positions.

15 3. The positions classified in one job description shall be sufficiently alike to permit the
16 use of a single descriptive title, the same minimum qualifications, and the same pay
17 scale.

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20 **Title 3 - HUMAN RESOURCES**

21 **Chapter 3.12 - CIVIL SERVICE ADMINISTRATION**

22 **Section 3.12.070 – Pay plan.**

23

24 A. The Director of Human Resources Manager is responsible for the preparation and
25 maintenance of a pay plan.

26 1. Each job description in the civil service system shall be placed in a pay grade
27 which~~that~~ offers a range of pay commensurate with the duties and responsibilities
28 enumerated in the job description.

29 2. The pay plan shall become effective upon the date specified in the resolution of
30 the City Council adopting the pay plan.

31 B. Revisions in the pay plan requested by appointing authorities shall be submitted to the
32 Director of Human Resources Manager.

33 1. The Director of Human Resources Manager may also initiate recommend such
34 revisions in the pay plan for any civil service employee as is deemed necessary.

35 2. The Director of Human Resources Manager shall forward pay plan revisions to
36 the City Council with recommendations.

37 C. In-grade pay increases for civil service employees shall be governed by the following:

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1 1. For annual performance based pay increases

2 1.a. A civil service employee shall not be granted an in-grade pay increase
3 without the favorable recommendation of the employee's supervisor and
4 appointing authority.

5 i. At least twelve~~12~~ months shall elapse between each in-grade pay
6 increase granted to any one civil service employee.
7 ii. No employee shall be paid a salary less than the minimum nor
8 more than the maximum limits prescribed by the pay grade to
9 which the employee's position has been assigned.

10 2.b. An in-grade pay increase may be awarded only to a civil service employee
11 who exceeds the recommended minimum standards of the position the
12 employee occupies.

13 i. A recommendation for an in-grade pay increase shall be based on a
14 review of the employee's performance since the last in-grade pay
15 increase.
16 ii. In no case shall an in-grade increase be awarded without regard to
17 an employee's performance.

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

20 a.i. The employee's date of hire if the employee became a member of
21 the civil service system after May 1, 1980; or
22 b.ii. The employee's review date as of March 1, 1980, if the employee
23 became a member of the civil service system on or before March 1,
24 1980.

25 2. In-grade pay increases may be granted for the purposes of addressing pay inequity
26 determinations or to retain employees in positions that are difficult to attract or
27 retain employees. These increases must be evaluated and approved by the City
28 Manager and the Director of Human Resources utilizing the rules and regulations
29 of the personnel system.

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

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Title 3 - HUMAN RESOURCES

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 Director of Human Resources 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.

Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

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.

1. 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 Director of Human Resources Manager after obtaining the recommendation of the respective chief of the department.
2. 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.

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Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

Section 3.16.060 – Disability examinations.

- A. The Director of Human Resources 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 Director of Human Resources Manager shall request that the health care provider report the findings to the Director of Human Resources Manager upon completion of the examination, and the Director of Human Resources 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 Director of Human Resources Manager for an examination. Upon receipt of the health care provider's report, the Director of Human Resources 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 30 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 Director of Human Resources 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.

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Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

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 **Director of Human Resources Manager** that the employee be given permanent status.

Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

Section 3.16.120 – Discipline.

Subsection 3.16.120(D)

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

Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

Section 3.16.150 – Appeals.

Subsection 3.16.15(A)(1) and (A)(3)

1. **Informal Appeal to Appointing Authority**: Prior to the imposition of discipline consisting of suspension without pay, demotion or dismissal, the employee may file with the appointing authority and Director of Human Resources Manager a written request to be heard informally by the appointing authority in response to the stated reason for the discipline.
 - a. Such a request shall be filed not later than five working days following the date of the notice of disciplinary action under Section § 3.16.120(D). The employee's right to a hearing by the appointing authority shall be waived if not timely filed.
 - b. Within ten 10 working days after a timely request, the appointing authority shall conduct an informal hearing at which the employee shall be given an opportunity to respond to the reasons for the disciplinary action and at which time the department director may consider evidence and relevant testimony.

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- c. Within ten working days after a hearing conducted under this Subsection, the appointing authority shall file with the employee and the Director of Human Resources Manager a written decision. The decision may rescind, modify or affirm the disciplinary action.
- d. If the employee has filed a timely request for an informal hearing as described in this Section and the appointing authority has provided a decision which the employee wishes to appeal, the employee may appeal that decision to the Civil Service Board. The appeal with the Civil Service Board shall be filed with the Director of Human Resources Manager in writing not later than five working days after the date of the appointing authority's decision.

2. **Leave Without Pay Status**: If an employee is placed on administrative leave without pay prior to the imposition of discipline or the resolution of a pending appeal, the employee may file with the appointing authority and Director of Human Resources Manager a written request to be heard informally by the appointing authority in response to the reason for the action.

- a. Such a request shall be filed not later than five working days following the date of the notice of disciplinary action under ~~Section~~ § 3.16.120(D). The employee's right to a hearing by the appointing authority on the issue of being placed on leave without pay shall be waived if not timely filed.
- b. Within ~~ten~~ 10 working days after a timely request, the appointing authority shall conduct an informal hearing at which the employee shall be given an opportunity to respond to the reasons for the leave without pay decision and at which the ~~D~~epartment ~~D~~irector may hear from others with relevant information.
- c. Within ten working days after a hearing conducted under this Section, the appointing authority shall file with the employee and the Director of Human Resources Manager a written decision. The decision may rescind, modify or affirm the leave without pay decision. A request to be heard filed under this Section shall not stay the leave without pay decision.
- d. If the employee has filed a timely request for an informal hearing as described in this Section, the employee may appeal that decision to the Civil Service Board. The appeal to the Civil Service Board shall be filed in writing with the Director of Human Resources Manager not later than five working days after the date of the appointing authority's decision.

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Title 3 - HUMAN RESOURCES

Chapter 3.20 - LEAVES

Section 3.20.080 – Sick Leave.

Subsection 3.20.080(D)

D. Absence due to illness or injury incurred while on duty shall be substantiated by a sick leave request.

1. 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.
2. 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.
3. Should the term of any case exceed a period of thirty calendar days, the case shall be referred by the Director of Human Resources Manager for a medical evaluation and recommendation in accordance with Chapter 3.16.
4. 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.

Title 3 - HUMAN RESOURCES

Chapter 3.20 - LEAVES

Section 3.20.140 – Sick leave bank.

By regulation, the **Office Department** 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.

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Title 3 - HUMAN RESOURCES

Chapter 3.28 – MEDICAL REVIEW

The Director of Human Resources 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.

8 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
9 **ANNAPOLEIS CITY COUNCIL** that this ordinance shall take effect upon passage.

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