

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 8

Bill No. 22-09

Introduced by Mr. Reilly, Chairman
(by request of the County Executive)

By the County Council, April 20, 2009

Introduced and first read on April 20, 2009
Public Hearing set for May 18, 2009
Bill Expires July 24, 2009

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Classified Service – Layoff Procedures

2

3 FOR the purpose of clarifying certain provisions with regard to lay-off and recall;
4 deleting a certain redundant provision; making certain stylistic and technical changes;
5 and generally relating to personnel.

6

7 BY repealing and reenacting, with amendments: § 6-1-109(a), (b), (e), and (f)
8 Anne Arundel County Code (2005, as amended)

9

10 BY repealing: § 6-1-109(c)
11 Anne Arundel County Code (2005, as amended)

12

13 BY renumbering: § 6-1-109(b) to be § 6-1-109(d); § 6-1-109(d) and (e) to be § 6-1-
14 109(b) and (c); and § 6-1-109(f) through (j) to be § 6-1-109(e) through (i),
15 respectively

16

Anne Arundel County Code (2005, as amended)

17

18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
19 *Maryland,* That § 6-1-109(c) of the Anne Arundel County Code (2005, as amended) is
20 hereby repealed.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 SECTION 2. *And be it further enacted*, That § 6-1-109(b); (d) and (e); and (f) through
2 (j) of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §
3 6-1-109(d); (b) and (c); and (e) through (i), respectively.
4

5 SECTION 3. *And be it further enacted*, That Section(s) of the Anne Arundel County
6 Code (2005, as amended) read as follows:
7

8 **ARTICLE 6 PERSONNEL**
9

10 **TITLE 1. CLASSIFIED SERVICE**
11

12 **6-1-109. Layoff and recall procedures.**
13

14 (a) **Definitions.** In this section, the following words have the meanings indicated.
15

16 (1) "Department or office" means a unit of County government under the
17 authority and supervision of a single appointing authority as that term is defined in § 804
18 of the Charter.
19

20 (2) "Layoff" means:
21

22 (i) a termination of an individual from County employment caused by
23 workload reduction, reduced or eliminated appropriations, or abolition of positions in the
24 budget; or
25

26 (ii) a permanent reduction in the work hours of an employee from full-time to
27 part-time.
28

29 (3) "Order of layoffs" means the sequence in which employees within an affected
30 classification are terminated from employment.
31

32 (4) "Recall" means the re-employment of an individual with the County INTO A
33 VACANT POSITION in the same classification held by the employee at the time of the
34 layoff PROVIDED THE EMPLOYEE MEETS THE MINIMUM QUALIFICATIONS OF THE
35 POSITION AT THE TIME OF RECALL.
36

37 (5) "Seniority" means an employee's length of continuous service with the County
38 since the employee's last date of hire by the County, unless defined otherwise by a
39 collective bargaining agreement.
40

41 (6) "Time in grade" means the time that an employee has served in the
42 classification from which the employee is laid-off.
43

44 [(c) **Seniority.** For employees not within the representation of a collective bargaining
45 unit, and employees within the representation of a collective bargaining unit for which
46 there is no current, valid collective bargaining agreement, the order of layoffs shall be

1 governed by seniority. If employees have the same seniority, the order of layoffs shall be
2 determined by the appointing authority on the basis of the relative qualifications, skills,
3 and abilities of the employees.]
4

5 [(d)] (B) **Notice.** Unless specified otherwise by a collective bargaining agreement or
6 by law, an employee shall receive at least 15 calendar days' written notice of layoff.
7

8 [(e)] (C) **Benefits.** A laid-off employee shall be paid for all annual and disability leave
9 to which the employee is entitled upon leaving County service under [§§ 12-1-402 and
10 12-1-403] §§ 6-1-302 AND 6-1-303 of this Code, and shall be allowed to continue health
11 coverage under the provisions of the Consolidated Omnibus Budget Reconciliation Act
12 (COBRA) of 1985, 42 U.S.C. §§ 300bb-1, et seq., AS AMENDED.
13

14 [(b)] (D) **Order of layoffs and procedure for displacement generally.** [Except as
15 otherwise provided in this subsection, or memorandum of agreement, negotiated and
16 executed in accordance with Title 4:]
17

18 (1) [A laid-off] THE ORDER OF LAYOFF AND PROCEDURE FOR DISPLACEMENT OF
19 A NON-REPRESENTED employee WHO IS NOT A UNIFORMED OFFICER SHALL BE AS
20 FOLLOWS:
21

22 (I) THE EMPLOYEE may displace the least senior employee in the same
23 classification in THE EMPLOYEE'S DEPARTMENT AND THE LEAST SENIOR EMPLOYEE IN
24 THE DEPARTMENT MAY DISPLACE THE LEAST SENIOR EMPLOYEE IN THE SAME
25 CLASSIFICATION IN another department or office[.], PROVIDED THE EMPLOYEE MEETS
26 THE QUALIFICATIONS SET FORTH IN THE MOST RECENT VACANCY ANNOUNCEMENT AND
27 THE ESSENTIAL DUTIES DESCRIBED IN THE MOST RECENT POSITION DESCRIPTION FORM
28 FOR THE POSITION TO BE FILLED BY THE EMPLOYEE;
29

30 (II) IN THE EVENT THAT MORE THAN ONE EMPLOYEE IS TO BE LAID OFF IN A
31 CLASSIFICATION, EMPLOYEES WILL BE GIVEN AN OPPORTUNITY UNDER PARAGRAPH (I),
32 IN ORDER OF SENIORITY, TO DISPLACE ANY OF THE LEAST SENIOR EMPLOYEES IN THE
33 CLASSIFICATION UP TO THE NUMBER OF PEOPLE TO BE LAID OFF IN THE
34 CLASSIFICATION; AND
35

36 (III) IF AN EMPLOYEE IS NOT SELECTED TO DISPLACE ANOTHER EMPLOYEE
37 UNDER PARAGRAPHS (I) AND (II), AND IS TO BE LAID OFF, THE EMPLOYEE WILL RECEIVE
38 NOTICE OF THE REASONS FOR HIS OR HER NON-SELECTION. THE EMPLOYEE MAY
39 REQUEST THAT THE PERSONNEL OFFICER REVIEW THE DECISION NOT TO PERMIT HIS OR
40 HER DISPLACEMENT. THE PERSONNEL OFFICER SHALL HAVE THE AUTHORITY TO REVISE
41 OR REVERSE THE DECISION OF THE APPOINTING AUTHORITY, IF THE PERSONNEL
42 OFFICER FINDS THE EMPLOYEE DOES MEET THE REQUIREMENTS TO DISPLACE ANOTHER
43 EMPLOYEE UNDER PARAGRAPH (I).
44

45 (2) EXCEPT AS OTHERWISE PROVIDED IN A MEMORANDUM OF AGREEMENT,
46 NEGOTIATED AND EXECUTED IN ACCORDANCE WITH TITLE 4, THE [The] order of layoffs
47 among uniformed officers in the Detention Center, Sheriff's Office, Police Department,
48 or Fire Department shall be as follows:
49

50 (i) The employee with the least time in grade occupying the position subject to

1 layoff shall demote to the preceding classification within the rank structure. This process
2 shall be repeated in subordinate classifications as may be necessary to fulfill the
3 requirement for personnel reduction. The employee with the least seniority in the
4 department shall be laid off.

5
6 (ii) If two or more employees have the same time in grade, demotion shall be
7 governed by seniority. If two or more employees have the same seniority, the order of
8 layoffs shall be determined by the appointing authority on the basis of the relative
9 qualifications, skills, and abilities of the employees.

10
11 (iii) An employee who displaces another uniformed Detention Center,
12 Sheriff's Office, Fire Department or Police Department employee shall be recalled to a
13 position within the employee's former classification when such a position becomes
14 available. An employee with the most time in grade shall have the first right to be
15 recalled, and an employee with the least time in grade shall have the last right to be
16 recalled.

17
18 (3) For employees whose job classifications are included in a collective
19 bargaining unit certified under the provisions of Title 4, the order of layoffs shall be
20 governed by the applicable memorandum of agreement. IF THE APPLICABLE
21 MEMORANDUM OF AGREEMENT CONTAINS NO PROVISIONS WITH REGARD TO THE
22 ORDER OF LAYOFF, THE ORDER OF LAYOFF SHALL BE GOVERNED BY SENIORITY. IF
23 EMPLOYEES HAVE THE SAME SENIORITY, THE ORDER OF LAYOFFS SHALL BE
24 DETERMINED BY THE APPOINTING AUTHORITY ON THE BASIS OF THE RELATIVE
25 QUALIFICATIONS, SKILLS, AND ABILITIES OF THE EMPLOYEES.

26
27 [(f)] (E) **Recall.** Unless specified otherwise by a collective bargaining agreement or by
28 law, RECALL TO WORK WILL BE IN THE REVERSE ORDER OF LAYOFF AND a laid-off
29 employee has the right to be recalled to the classification from which the employee was
30 laid off if a position within the classification becomes available within 18 months after
31 the employee was laid off, [and if the employee retains the qualifications, skill, and
32 ability to perform the duties of the position. Recall to work shall be in the reverse order of
33 layoff] PROVIDED THE EMPLOYEE MEETS THE MINIMUM QUALIFICATIONS OF THE
34 POSITION. IN ORDER FOR A NON-REPRESENTED EMPLOYEE TO BE RECALLED TO A
35 POSITION, THE EMPLOYEE MUST MEET THE QUALIFICATIONS SET FORTH IN THE MOST
36 RECENT VACANCY ANNOUNCEMENT AND THE ESSENTIAL DUTIES DESCRIBED IN THE
37 MOST RECENT POSITION DESCRIPTION FORM FOR THE POSITION. A laid-off employee
38 shall be placed on eligibility lists for priority re-employment with the County in
39 accordance with § 810 of the Charter.

40
41 [(g)] (F) **Re-employment.** A laid-off employee who is re-employed with the County
42 within 18 months of layoff shall be credited with the length of service accrued by the
43 employee at the time of the layoff for purposes of calculating entitlement to annual leave
44 and eligibility for longevity salary increases.

45
46 [(h)] (G) **Pension plans.** A laid-off employee may defer a request for a refund of
47 participant contributions in the applicable pension plan for up to 18 months from the time

1 of layoff. A laid-off employee who is re-employed with the County within 18 months of
2 layoff shall be credited with the service accrued by the employee at the time of the layoff
3 for purposes of pension eligibility if the employee did not receive a refund of participant
4 contributions prior to re-employment.

5
6 [(i)] (H) **Outplacement program.** The Personnel Office shall establish an employee
7 outplacement program to assist laid-off employees with re-employment and benefit
8 counseling and other matters relating to the loss of employment with the County.

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10 [(j)] (I) **Rules and regulations.** The Personnel Officer may adopt rules and
11 regulations consistent with the express provisions of this section to implement the
12 provisions of this section.

13
14 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
15 from the date it becomes law.