

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2011, Legislative Day No. 8

Bill No. 26-11

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

By the County Council, April 19, 2011

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Introduced and first read on April 19, 2011  
Public Hearing set for May 16, 2011  
Bill Expires July 23, 2011

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Classified Service

2  
3 FOR the purpose adding a certain definition; altering certain provisions with regard to the  
4 order of lay-offs and procedure for displacement of certain employees; and generally  
5 relating to personnel.

6  
7 BY repealing and reenacting, with amendments: § 6-1-109(a)  
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(d), (i) and (j) to be 6-1-109(b), (j) and (k), respectively  
14 Anne Arundel County Code (2005, as amended)

15  
16 BY repealing and reenacting, with amendments, and renumbering: § 6-1-109(b), (e), (f),  
17 (g) and (h) to be 6-1-109(e), (c), (g), (h) and (i), respectively  
18 Anne Arundel County Code (2005, as amended)

19  
20 BY adding: § 6-1-109(d) and (f)  
21 Anne Arundel County Code (2005, as amended)

22  
23 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
24 *Maryland,* That § 6-1-109 (c) of the Anne Arundel County Code (2005, as amended) is  
25 hereby repealed.

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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), (e), (f), (g), (h), (i) and  
2 (j), Anne Arundel County Code (2005, as amended), are hereby renumbered to be § 6-1-  
3 109(e), (b), (c), (g), (h), (i), (j) and (k), 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 rights.**  
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) "PUBLIC SAFETY EMPLOYEE" MEANS A UNIFORMED EMPLOYEE IN THE POLICE  
33 DEPARTMENT IN THE RANKS OF POLICE OFFICER THROUGH DEPUTY CHIEF, FIRE  
34 DEPARTMENT IN THE RANKS OF FIREFIGHTER II THROUGH DEPUTY CHIEF, DETENTION  
35 CENTER IN THE RANKS OF DETENTION OFFICER THROUGH CAPTAIN, OR SHERIFF'S  
36 OFFICE IN THE RANKS OF SHERIFF DEPUTY THROUGH CAPTAIN.  
37

38 [(4)] (5) "Recall" means the re-employment of an individual with the County in  
39 the same classification held by the employee at the time of the layoff.  
40

41 [(5)] (6) "Seniority" means an employee's length of continuous service with the  
42 County since the employee's last date of hire by the County INTO THE CLASSIFIED  
43 SERVICE, unless defined otherwise by a collective bargaining agreement.  
44

45 [(6)] (7) "Time in grade" means the time that an employee has served in the  
46 classification from which the employee is laid-off.

1 [(c) **Seniority.** For employees not within the representation of a collective  
2 bargaining unit, and employees within the representation of a collective bargaining unit  
3 for which there is no current, valid collective bargaining agreement, the order of layoffs  
4 shall be governed by seniority. If employees have the same seniority, the order of layoffs  
5 shall be determined by the appointing authority on the basis of the relative qualifications,  
6 skills, and abilities of the employees.]  
7

8 [(d)] (B) **Notice.** Unless specified otherwise by a collective bargaining agreement or  
9 by law, an employee shall receive at least 15 calendar days' written notice of layoff.  
10

11 [(e)] (C) **Benefits.** A laid-off employee shall be paid for all annual and disability leave  
12 to which the employee is entitled upon leaving County service under [ §§ 12-1-402 and  
13 12-1-403] §§ 6-1-302 AND 6-1-303 of this Code, and shall be allowed to continue health  
14 coverage under the provisions of the Consolidated Omnibus Budget Reconciliation Act  
15 (COBRA) of 1985, 42 U.S.C. §§ 300bb-1 et seq., AS AMENDED.  
16

17 (D) **Order of layoffs and procedure for displacement of non-represented non-**  
18 **public safety employees generally.** THE ORDER OF LAYOFFS AND PROCEDURE FOR  
19 DISPLACEMENT OF A NON-REPRESENTED NON-PUBLIC SAFETY EMPLOYEES SHALL BE AS  
20 FOLLOWS:  
21

22 (1) GOVERNED BY SENIORITY EXCEPT THAT UPON A SHOWING BY THE  
23 APPOINTING AUTHORITY THAT THE OPERATING NEEDS OF AN EMPLOYING UNIT REQUIRE  
24 SUCH ACTION, THE PERSONNEL OFFICER MAY AUTHORIZE AN EXCEPTION TO THE USE OF  
25 SENIORITY AND MAY AUTHORIZE THE RETENTION OF ANY EMPLOYEE WHO HAS SOME  
26 SPECIAL EXPERIENCE, TRAINING, OR SKILL WHICH IS EXCEPTIONAL TO THE  
27 KNOWLEDGE, SKILLS, AND ABILITIES EXPECTED IN A POSITION IN A CLASSIFICATION  
28 AFFECTED BY THE LAYOFF. SUCH EXCEPTIONS TO SENIORITY SHALL BE BASED UPON  
29 DOCUMENTED RECRUITING AND HIRING SPECIFICATIONS, CURRENT POSITION  
30 DESCRIPTIONS, OR SIMILAR DOCUMENTATION ACCEPTABLE TO THE PERSONNEL  
31 OFFICER.  
32

33 (2) IN THE ABSENCE OF ANY EXCEPTION TO SENIORITY BEING MADE BY THE  
34 PERSONNEL OFFICER, AN EMPLOYEE MAY DISPLACE THE LEAST SENIOR EMPLOYEE IN  
35 THE SAME CLASSIFICATION IN THE EMPLOYEE'S DEPARTMENT AND THE LEAST SENIOR  
36 EMPLOYEE IN THE DEPARTMENT MAY DISPLACE THE LEAST SENIOR EMPLOYEE IN THE  
37 SAME CLASSIFICATION IN ANOTHER DEPARTMENT OR OFFICE.  
38

39 (3) IF AN EMPLOYEE DOES NOT QUALIFY FOR A POSITION IN THE OPINION OF THE  
40 PERSONNEL OFFICER AS OUTLINED IN PARAGRAPH (1), THEN HE OR SHE WILL BE  
41 CONSIDERED FOR POSITIONS IN ORDER OF LEAST SENIORITY UNTIL THE EMPLOYEE  
42 DESIGNATED FOR DISPLACEMENT MAY BE CONSIDERED QUALIFIED FOR A POSITION IN  
43 ACCORDANCE WITH PARAGRAPH (1).  
44

45 (4) IF AN EMPLOYEE DOES NOT QUALIFY FOR A POSITION OCCUPIED BY AN  
46 EMPLOYEE WITH LESS SENIORITY UNDER PARAGRAPH (1) AND IS TO BE LAID OFF, THE  
47 EMPLOYEE WILL RECEIVE NOTICE OF THE REASONS FOR HIS OR HER NON-SELECTION  
48 AND MAY REQUEST A CONFERENCE WITH THE PERSONNEL OFFICER TO REVIEW THE  
49 DECISION. THE PERSONNEL OFFICER SHALL HAVE THE AUTHORITY TO REVISE OR  
50 REVERSE THE DECISION IF THE PERSONNEL OFFICER FINDS THE EMPLOYEE MEETS THE  
51 REQUIREMENTS TO DISPLACE ANOTHER EMPLOYEE UNDER PARAGRAPH (1).

1        [(b)] (E) **Order of layoffs and procedure for displacement of public safety**  
2 **employees generally.** Except as otherwise provided in [this subsection, or] A  
3 memorandum of agreement[,] negotiated and executed in accordance with Title 4,[:  
4

5            (1) A laid-off employee may displace the least senior employee in the same  
6 classification in another department or office.  
7

8            (2) The] THE order of layoffs among [uniformed] PUBLIC SAFETY officers in the  
9 Detention Center, Sheriff's Office, Police Department, or Fire Department shall be as  
10 follows:  
11

12            [(i)] (1) The employee with the least time in grade occupying the position  
13 subject to layoff shall demote to the preceding classification within the rank structure.  
14 This process shall be repeated in subordinate classifications as may be necessary to fulfill  
15 the requirement for personnel reduction. The employee with the least seniority in the  
16 department shall be laid off.  
17

18            [(ii)] (2) If two or more employees have the same time in grade, demotion  
19 shall be governed by seniority. If two or more employees have the same seniority, the  
20 order of layoffs shall be determined by the appointing authority on the basis of the  
21 relative qualifications, skills, and abilities of the employees.  
22

23            [(iii)] (3) An employee who displaces another [uniformed] PUBLIC SAFETY  
24 Detention Center, Sheriff's Office, Fire Department or Police Department employee shall  
25 be recalled to a position within the employee's former classification when such a position  
26 becomes available. An employee with the most time in grade shall have the first right to  
27 be recalled, and an employee with the least time in grade shall have the last right to be  
28 recalled.  
29

30            [(3) **Order of layoffs generally.** For employees whose job classifications are  
31 included in a collective bargaining unit certified under the provisions of Title 4, the order  
32 of layoffs shall be governed by the applicable memorandum of agreement.]  
33  
34

35        (F) **Order of layoffs and procedure for displacement of represented non-public**  
36 **safety employees generally.** FOR NON-PUBLIC SAFETY EMPLOYEES WHOSE JOB  
37 CLASSIFICATIONS ARE INCLUDED IN A COLLECTIVE BARGAINING UNIT CERTIFIED  
38 UNDER THE PROVISIONS OF TITLE 4, THE ORDER OF LAYOFFS SHALL BE GOVERNED BY  
39 THE APPLICABLE MEMORANDUM OF AGREEMENT. IF THE APPLICABLE MEMORANDUM  
40 OF AGREEMENT CONTAINS NO PROVISIONS WITH REGARD TO THE ORDER OF LAYOFFS,  
41 THE ORDER OF LAYOFFS SHALL BE GOVERNED BY SENIORITY. IF EMPLOYEES HAVE THE  
42 SAME SENIORITY, THE ORDER OF LAYOFFS SHALL BE DETERMINED BY THE APPOINTING  
43 AUTHORITY ON THE BASIS OF THE RELATIVE QUALIFICATIONS, SKILLS, AND ABILITIES  
44 OF THE EMPLOYEES.  
45

46            [(f)] (G) **Recall.** Unless specified otherwise by a collective bargaining agreement or  
47 by law, RECALL TO WORK WILL BE IN THE REVERSE ORDER OF LAYOFF AND a laid-off  
48 employee has the right to be recalled to the classification from which the employee was  
49 laid off if a position within the classification becomes available within 18 months after  
50 the employee was laid off, [and if the employee retains the qualifications, skill, and

1 ability to perform the duties of the position. Recall to work shall be in the reverse order of  
2 layoff] PROVIDED THE EMPLOYEE MEETS THE MINIMUM QUALIFICATIONS OF THE  
3 POSITION, CONSIDERING ANY SUBSTITUTE QUALIFICATIONS APPROVED BY THE  
4 PERSONNEL OFFICER UNDER § 6-1-104, AND HAS ANY SPECIAL KNOWLEDGE, SKILLS, AND  
5 ABILITIES REQUIRED TO PERFORM THE DUTIES OF THE POSITION. A laid-off employee  
6 shall be placed on eligibility lists for priority re-employment with the County in  
7 accordance with § 810 of the Charter.

8  
9 [(g)] (H) **Re-employment.** EXCEPT AS OTHERWISE PROVIDED IN A MEMORANDUM OF  
10 AGREEMENT, NEGOTIATED AND EXECUTED IN ACCORDANCE WITH TITLE 4, A [A] laid-off  
11 employee who is re-employed with the County within 18 months of layoff shall be  
12 credited with the length of service accrued by the employee at the time of the layoff for  
13 purposes of calculating entitlement to annual leave and eligibility for longevity salary  
14 increases.

15  
16 [(h)] (I) **Pension plans.** EXCEPT AS OTHERWISE PROVIDED IN A MEMORANDUM OF  
17 AGREEMENT, NEGOTIATED AND EXECUTED IN ACCORDANCE WITH TITLE 4, A [A] laid-off  
18 employee may defer a request for a refund of participant contributions in the applicable  
19 pension plan for up to 18 months from the time of layoff. A laid-off employee who is re-  
20 employed with the County within 18 months of layoff shall be credited with the service  
21 accrued by the employee at the time of the layoff for purposes of pension eligibility if the  
22 employee did not receive a refund of participant contributions prior to re-employment.

23  
24 [(i)] (J) **Outplacement program.** The Personnel Office shall establish an employee  
25 outplacement program to assist laid-off employees with re-employment and benefit  
26 counseling and other matters relating to the loss of employment with the County.

27  
28 [(j)] (K) **Rules and regulations.** The Personnel Officer may adopt rules and  
29 regulations consistent with the express provisions of this section to implement the  
30 provisions of this section.

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