



MAYOR AND COUNCIL

MEETING NO. 07-20
Monday, February 24, 2020 – 7:00 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

5:30-6:00 PM – Drop-In with Mayor Newton and Councilmember Feinberg

- 6:00 PM 1. Convene in open session to vote on a motion to go into closed session pursuant to Sections 3-305(b)(7) and 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to 1) to consult with counsel to obtain legal advice; and 2) to consult with staff, consultants, or other individuals about pending or potential litigation.**
- 2. Closed Session**
- 7:00 PM 3. Reconvene into Open Session**
- 4. Pledge of Allegiance**
- 7:05 PM 5. Agenda Review**
- 6. City Manager's Report**
- 7:10 PM 7. Proclamation**
- A. Proclamation Declaring Commitment to Goal of Counting Everyone in Rockville for Census 2020**
- B. Proclamation Declaring Rare Disease Day**
- 7:20 PM 8. Boards and Commissions Appointments and Reappointments**
-

A. Boards and Commissions Appointments and Reappointments

7:30 PM 9. Community Forum

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

10. Mayor and Council's Response to Community Forum

7:45 PM 11. Consent

- A. Award of Invitation for Bid (IFB) #07-20 for Mowing Services to Lancaster Landscapes, Inc.**
- B. Authorization to Release, Extinguish or Modify Existing Easements as Necessary to Implement the Twinbrook Quarter Project Plan.**
- C. Adoption of Resolution to Appointment Process for 2020 Charter Review Commission**

7:50 PM 12. Presentation and Discussion on East Rockville Residential Design Guidelines and Standards

8:40 PM 13. Comprehensive Review and Revision of the Personnel Policy and Procedures Manual (PPM)

9:30 PM 14. Presentation of the Fiscal Year 2021 Proposed Operating Budget and Capital Improvements Program

9:50 PM 15. Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2021

9:55 PM 16. Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse

and Recycling Carts Pursuant to Section 20-6 of the Rockville City Code

10:00 PM **17. Review and Comment - Mayor and Council Action Report**

A. Action Report

18. Review and Comment - Future Agendas

A. Future Agendas

19. Old/New Business

10:15 PM **20. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.



Mayor & Council Meeting Date: February 24, 2020

Agenda Item Type: Proclamation

Department: CMO - Public Information and Community Engagement

Responsible Staff: Hjarman Cordero

Subject

Proclamation Declaring Commitment to Goal of Counting Everyone in Rockville for Census 2020

Recommendation

Staff recommends that the Mayor and Council make a proclamation to encourage the residents of Rockville to participate in the 2020 U.S. Census and highlight the importance of knowing that everyone counts!

Discussion

Once each decade, America comes together to count every resident in the United States. The decennial census was first taken in 1790, as mandated by the Constitution. The Census counts the total population and number of households, providing the basis for reapportioning congressional seats, redistricting, and distributing more than \$675 billion in federal funds annually to support vital programs in states and local communities. These programs impact all aspects of community life such as housing, education, transportation, employment, health care and public policy. Every Marylander who is not counted costs the state \$18,250 in lost funding over 10 years.

In 2020, for the first time ever, the U.S. Census Bureau will accept responses online and by phone, although residents can still respond by mail if they prefer. Strict federal law protects census responses. It is against the law for any Census Bureau employee to disclose or publish any census information that identifies an individual or business. Census Bureau employees take a lifelong pledge of confidentiality to handle data responsibly and keep respondents' information private. The penalty for wrongful disclosure is a fine of up to \$250,000 or imprisonment for up to 5 years, or both. No law enforcement agency (including the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Federal Bureau of Investigation, or any other agency) can access or use the personal information at any time.

The City of Rockville is partnering with the Census Bureau and Montgomery County, and has reached out to multiple civic and faith-based organizations to encourage their participation in order to produce high-quality, statistical information about the people and economy of Rockville.

Education and outreach efforts will continue through the month of May.

Attachments

Attachment 7.A.a: 2020 Census Proclamation (PDF)



Rob DiSpirito, City Manager

2/18/2020



WHEREAS, an accurate census count is vital to the City of Rockville, the State of Maryland and the nation by providing essential data that guides the placement of schools, roads and hospitals, and guides critical planning efforts;

WHEREAS, that data collected by the decennial census determines the number of seats Maryland has in the U.S. House of Representatives, and thus its representation in the nation; and

WHEREAS, that data is used to determine the distribution to communities like Rockville of more than \$675 billion in federal funding that feeds low-income families through food and nutrition programs, provides housing assistance and health care, keeps the public safe, supports local businesses, improves our shared environment, serves people with disabilities and seniors, and delivers ways out of addiction through treatment; and

WHEREAS, these and other government and community programs and services are central to the priorities of this Mayor and Council and crucial to the quality of life of all residents of Rockville; and

WHEREAS, every Marylander not counted costs the state \$18,250 in lost funding over 10 years; and

WHEREAS, the Mayor and Council of the City of Rockville recognize the need to provide access and assistance to all city residents to take part in the 2020 Census; and

WHEREAS, due to the significance of the Census, the Mayor and Council of the City of Rockville are committed to advocating for and encouraging underrepresented communities to participate;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF ROCKVILLE, do hereby commit to partnering with the Census Bureau, community organizations and places of worship throughout the City of Rockville to ensure that, through education, advocacy and support, we reach the goal of counting everyone once — and only once — in the right place.



Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton
Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

February 24, 2020

Attachment 7.A.a: 2020 Census Proclamation (2970) : Proclamation Declaring Commitment to Goal of Counting Everyone in Rockville for



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Proclamation
 Department: City Clerk/Director of Council Operations Office
 Responsible Staff: Jacqueline Mobley

Subject

Proclamation Declaring Rare Disease Day

Recommendation

Staff recommends that the Mayor and Council read and present the proclamation to Mr. and Mrs. Anthony Marill and daughter Erin Marill.

Discussion

Rare Disease Day, February 28, is a global awareness day. The United States official sponsor for Rare Disease Day is the National Organization for Rare Disorders (NORD).

The Rare Action Network, powered by the National Organization for Rare Disorders (NORD), serves to connect and empower a unified network of individuals and organizations with tools, training and resources to become effective advocates for rare diseases through national and state based initiatives across the United States.

A disease is considered rare if it affects less than 200,000 Americans.

350 million are impacted by a rare disease internationally and almost half are children.

30 million Americans are impacted by a rare disease with *600,000* living in Maryland.

There are more than 7,000 rare diseases, 95 percent of which have no treatment.

Social media campaigns include #MarylandRare and #GetLoudForRare.

For more information about Rare Action Network, go to www.rareaction.org. To search for information about rare diseases, visit NORD's website, www.rarediseases.org.

Mayor and Council History

This is the third time this proclamation has been issued by the Mayor and Council.

Attachments

Attachment 7.B.a: Rare Disease Day 2020 (PDF)


Sara Taylor-Ferrell, City Clerk/Director of Council Operations 2/19/2020



WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health (NIH); and

WHEREAS, while each of these diseases may affect small numbers of people, rare diseases as a group affect almost 30 million Americans; and

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

WHEREAS, while more than 450 drugs and biologics have been approved for the treatment of rare diseases according to the Food and Drug Administration (FDA), millions of Americans still have rare diseases for which there is no approved treatment; and

WHEREAS, individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments; and

WHEREAS, while the public is familiar with some rare diseases such as “Lou Gehrig’s disease” and sympathetic to those affected, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments; and

WHEREAS, thousands of residents of Maryland are among those affected by rare diseases since nearly one in 10 Americans have rare diseases.

NOW, THEREFORE, the Mayor and Council of Rockville do hereby proclaim February 28, 2020, as Rare Disease Day, and encourage the Rockville community to learn more about rare diseases through resources such as the National Organization for Rare Disorders (NORD).



Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton
Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

February 24, 2020



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Appointments & Announcement of Vacancies
 Department: City Clerk/Director of Council Operations Office
 Responsible Staff: Jacqueline Mobley

Subject

Boards and Commissions Appointments and Reappointments

Recommendation

Mayor and Council will appoint and reappoint the following members to the Boards and Commissions.

Environment Commission

Justus Getty – New Appointment to serve a 3-year term until 2/1/2023

William McClain – New Appointment to serve a 3-year term until 2/1/2023

Clark Reed – Reappointment to serve a 3-year term until 2/1/2023

Human Rights Commission

Ross Machurek – New Appointment to serve a 3-year term until 2/1/2023

Jennifer Alvarez Franz – New Appointment to serve a 3-year term until 2/1/2023

Human Services Advisory Commission

Nancy Sushinsky – Reappointment to serve a 3-year term until 2/1/2023

Retirement Board

Mikhail Sukhenko- New Appointment to serve a 3-year term until 2/1/2023

Beryl Feinberg – designee appointment (replacement) of Councilmember Mark Pierzchala; to serve a concurrent term with Councilmember Beryl L. Feinberg's term of office.

Senior Citizens Commission

Elaine Koubek – New Appointment to serve a 3-year term until 2/1/2023

Traffic and Transportation Commission

Matthew Perkins - New Appointment to serve a 3-year term until 2/1/2023



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Award
 Department: Rec & Parks - Parks & Facilities
 Responsible Staff: Steve Mader

Subject

Award of Invitation for Bid (IFB) #07-20 for Mowing Services to Lancaster Landscapes, Inc.

Recommendation

Staff recommends the award of IFB #07-20 for Mowing Services to Lancaster Landscapes, Inc. of Annandale, Virginia in the amount of \$265,000 for the base year, with the option to extend the contract for four (4) additional one-year periods through October 31, 2024.

Discussion

This contract provides for grass mowing services for 240 acres of municipal property to supplement lawn maintenance by in-house staff. The contract includes all labor, equipment, materials and tools necessary to provide complete and satisfactory grass mowing services at a consistently superior level at 137 various parks, facilities, stormwater management areas, City rights-of-way and State rights-of-way throughout the City. In addition to grass mowing services, weekly and bi-weekly trash removal from sites where mowing occurs assists the Recreation and Parks Department initiative of having 'Clean and Green' parks and open spaces. This contract also provides the ability to meet the requirements of the Memorandum of Understanding (MOU) between the City of Rockville and Maryland State Highway Administration for state-reimbursed grass mowing service.

Lancaster Landscapes, Inc. submitted a total bid of \$259,374.78. The requested award of \$265,000 will provide additional landscape services such as plantings, mulching, trimming, and other landscape tasks.

Mayor and Council History

Mowing Services contracts have previously been awarded by the Mayor and Council most recently with the award of IFB #17-15.

Procurement

Staff prepared and publicly advertised IFB #07-20 on December 19, 2019 in accordance with Rockville City Code section 17-61. IFB #07-20 was posted on the City's website, and electronically provided to 60 prospective bidders via the State of Maryland new e-Maryland Marketplace Advantage (eMMA) system. Of the 60 prospective bidders, using the new systems reporting capabilities, 4 were Disadvantaged Business Enterprises (DBE) and 5 were Minority Business Enterprises (MBE).

The following sealed bids were received and opened on January 21, 2020:

Bidder	MFD Status	Location	Total Bid Amount
Manuel Landscaping, Inc.	Non-DBE/MBE	Baltimore, MD	\$231,356.80*
Lancaster Landscapes, Inc.	Non-DBE/MBE	Annandale, VA	\$259,374.78
Lorenz Lawn and Landscape, Inc.	Non-DBE/MBE	Baltimore, MD	\$398,113.75

*Note: Manuel Landscaping, Inc. was the lowest bid received. Upon evaluation of their submission, staff found that their required Maryland Commercial Department of Agriculture Pesticide Applicators License with certification in Category IIIC (Turf) and VI (Right of Ways) had expired in 2017. Based on this finding, the Contract Administrator recommended to the Procurement Division that the City deem their bid non-responsive. The Procurement Division concurred with this recommendation and on February 10, 2020, Manuel Landscaping, Inc. was notified that their bid was deemed non-responsive for not meeting all requirements of the IFB.

Fiscal Impact

This contract is funded from the contract services – grounds account in multiple divisions in the Department of Recreation and Parks and the Department of Public Works. Future funding is subject to appropriation by the Mayor and Council. This contract is supported by the General, Water, Sewer, and Stormwater Management funds.

Next Steps

Procurement will issue a contract to Lancaster Landscapes, Inc. Mowing operations will begin in April 2020.



Rob DiSpirito, City Manager

2/18/2020



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Consent
 Department: PW - Engineering
 Responsible Staff: Jim Lapping

Subject

Authorization to Release, Extinguish or Modify Existing Easements as Necessary to Implement the Twinbrook Quarter Project Plan.

Recommendation

Staff recommends that the Mayor and Council authorize the City Manager to execute documents, in a form acceptable to the City Attorney, to release, extinguish or modify easements located on Lots 2, 5, 7, 17, 24 and 25, Block A of The Pike subdivision for the implementation of the Twinbrook Quarter Project Plan (PJT2018-00011).

Discussion

This item authorizes the City Manager to execute all of the necessary easement release and abandonment documents to facilitate the Twinbrook Quarter Project Plan (PJT2018-00011). As the multi-phase project is implemented, existing easements granted to the Mayor and Council will no longer be necessary as the properties will be completely redeveloped. The developer, Saul Holdings Limited Partnership, will dedicate new easements and rights-of-way as necessary as each phase's site plan is implemented.

The requested authorization will be required throughout the buildout of the Project Plan and concerns the entire properties located on Lots 2, 5, 7, 17, 24 and 25, Block A of The Pike subdivision. Individual easements will be abandoned, and documents will be executed by the City Manager as needed to implement each phase of the Project Plan.

The easements to be abandoned were granted to the City for various purposes and include but are not limited to a Forest and Tree Conservation Easement, Public Ingress and Egress Easements, 30-foot Easement for Service Drives, Stormwater Management Easements, Water and Sewer Easements, and a Water Meter Easement. See Attachment A for an exhibit identifying the location of all known easements granted to the Mayor and Council on the properties and the approximate Phase 1 limits of the Twinbrook Quarter Project Plan.

All existing utilities on the property will be abandoned or relocated. Necessary rights-of-way will be dedicated and new easements, including but not limited to Public Access, Public

Improvement, Water and Sewer, Storm Drain, Forest Conservation and Stormwater Management Easements, will be created to implement each phase of the Project Plan.

Mayor and Council History

This is the first time this item has been brought before the Mayor and Council. Project Plan PJT2018-00011 was approved by Resolution 7A-19 at the April 29, 2019, Mayor and Council meeting.

Next Steps

The City Attorney will review and approve the legal content of the extinguishment documents. The City Manager will execute the documents necessary to release and extinguish or modify easements for the Twinbrook Quarter Project Plan. All documents will be recorded in the Montgomery County Land Records.

Attachments

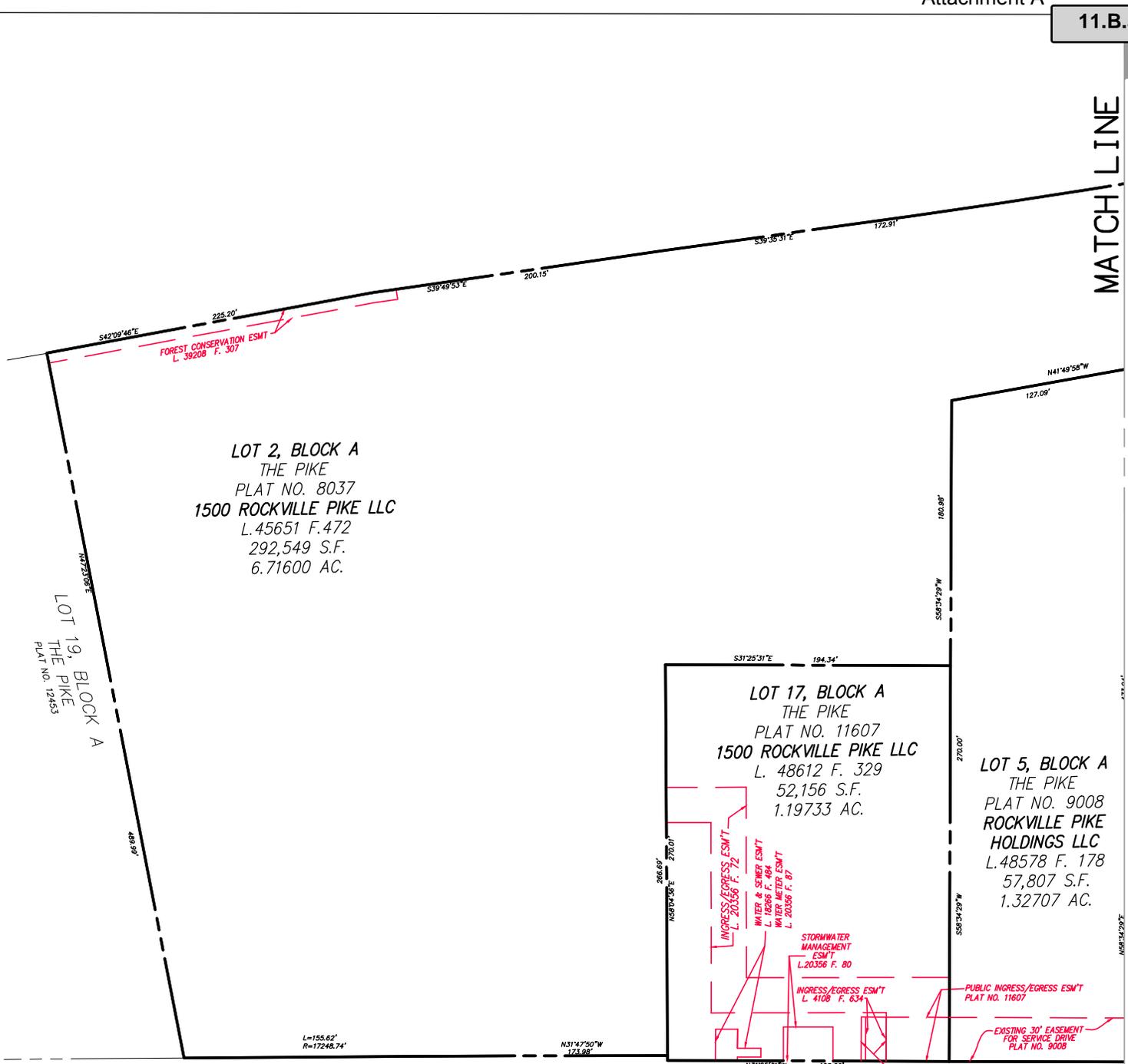
Attachment 11.B.a: Attachment A - Twinbrook Quarter Existing Easements to be Abandoned (PDF)



Rob DiSpirito, City Manager

2/18/2020

MATCH LINE



TWINBROOK QUARTER EASEMENT EXHIBIT

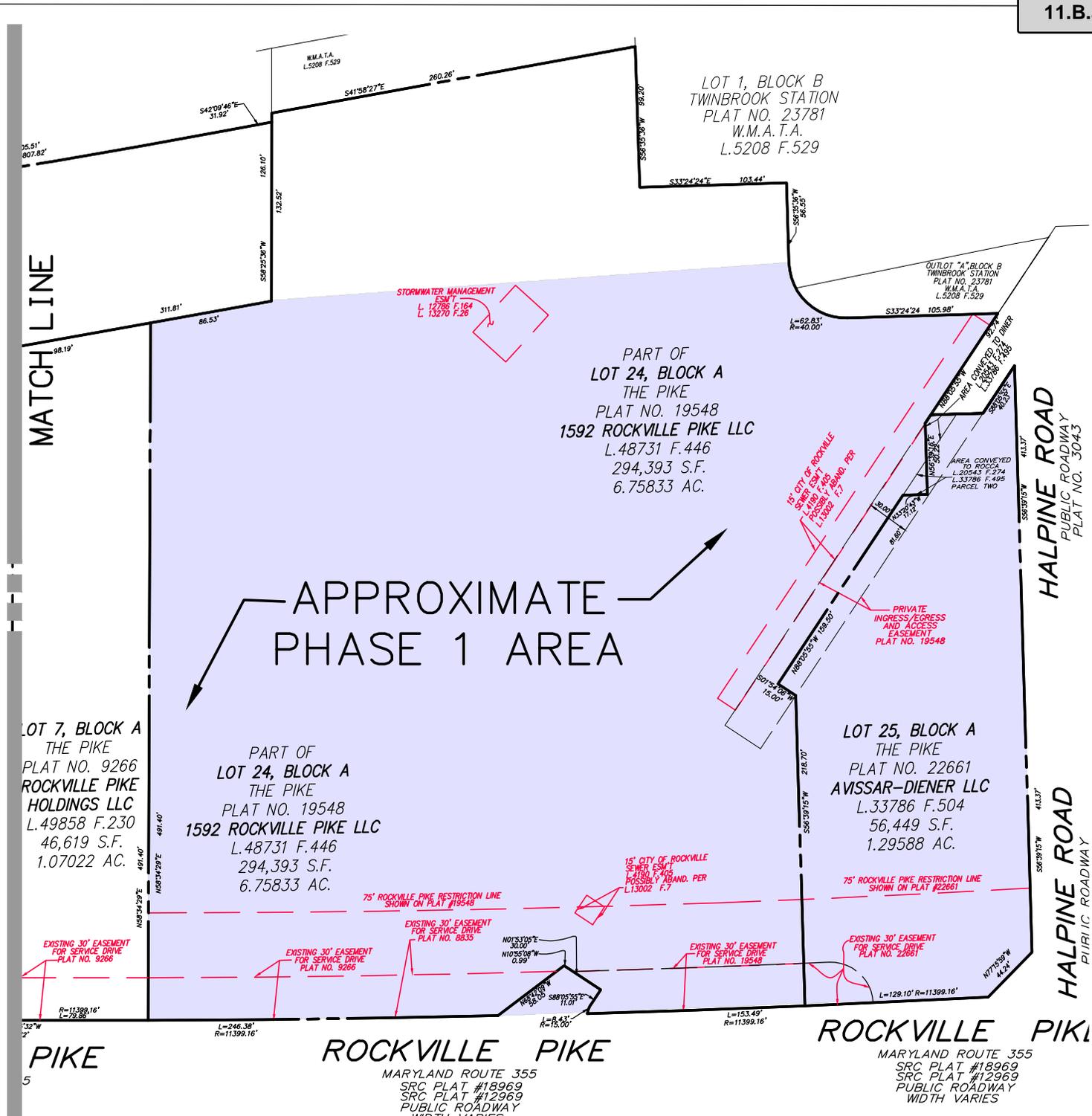
ROCKVILLE
 MARYLAND ROUTE
 SRC PLAT #11896
 SRC PLAT #11291
 PUBLIC ROADWAY
 WIDTH VARIES

DATE: REV NOV. 2019 & JAN 2020	
DES. XXX	DWN. XXX
SCALE: 1"=100'	
PROJECT/FILE NO. 1625	
SHEET NO. 1 OF 2	



VIKA
 ENGINEERS PLANNERS
 LANDSCAPE ARCHITECTS SURVEYORS
 VIKA MARYLAND, LLC
 20251 CENTURY BOULEVARD SUITE #400
 GERMANTOWN, MARYLAND 20874
 PHONE: (301) 916-4100
 FAX: (301) 916-2262
 GERMANTOWN, MD. TYSONS, VA.

Attachment 11.B.a: Attachment A - Twinbrook Quarter Existing Easements to be Abandoned (2941 : Authorization to Extinguish Easements as



TWINBROOK QUARTER EASEMENT EXHIBIT

DATE: REV NOV. 2019 & JAN 2020	
DES. XXX	DWN. XXX
SCALE: 1"=100'	
PROJECT/FILE NO. 1625	
SHEET NO. 2 OF 2	

VIKA
 ENGINEERS PLANNERS
 LANDSCAPE ARCHITECTS SURVEYORS
 VIKA MARYLAND, LLC
 20251 CENTURY BOULEVARD SUITE #400
 GERMANTOWN, MARYLAND 20874
 PHONE: (301) 916-4100
 FAX: (301) 916-2262
 GERMANTOWN, MD. TYSONS, VA.

Attachment 11.B.a: Attachment A - Twinbrook Quarter Existing Easements to be Abandoned (2941 : Authorization to Extinguish Easements as

LAYOUT: EASEMENT EXHIBIT, Plotted By: evans



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Consent
 Department: City Clerk/Director of Council Operations Office
 Responsible Staff: Sara Taylor-Ferrell

Subject

Adoption of Resolution to Appointment Process for 2020 Charter Review Commission

Recommendation

Staff recommends that Mayor and Council adopt the resolution.

Discussion

The City of Rockville became incorporated through the adoption of a City Charter in 1860. The Charter empowers the City to pass ordinances, in accordance with the laws of the State of Maryland, necessary for the good governance of the City.

Amendments to the Charter may be initiated by the Mayor and Council or by petition of the qualified voters of the City. To assist the Mayor and Council in determining which, if any changes to the Charter may be desired, the Mayor and Council, have in the past, appointed a Charter Review Commission to review specific provisions of the Charter and make recommendations for changes.

On January 13, 2020, the Mayor and Council discussed establishing a Charter Review Commission during calendar year 2020. The Mayor and Council agreed to establish a Charter Review Commission in accordance with the procedure set forth in the attached resolution did not decide what provisions of the Charter should be reviewed by the Commission. Instead, the Mayor and Council decided to hold a public hearing to get input from the public regarding what provisions of the Charter should be reviewed by the newly created Commission.

After the public hearing, the Mayor and Council will discuss and determine what provisions of the Charter should be reviewed by the Charter Review Commission. Once a decision is made and direction given, staff will bring back a further resolution for adoption directing the Charter Review Commission to review specific provisions of the Charter and setting forth the framework for the Commission's recommendations for changes to the City's Charter.

The Mayor and Council will review the recommended changes and make a determination on which, if any, of the changes it wishes to initiate. The Mayor and Council may also decide to initiate changes not recommended by the Commission.

In 2012, the Mayor and Council established a Charter Review Commission to examine the Charter and certain provisions in the City Code related to the election process.

Mayor and Council History

The Mayor and Council discussed establishing a Charter Review Commission at the January 13, 2020 meeting.

Next Steps

The Mayor and Council will hold a public hearing to seek input from the public on what provisions of the Charter should be reviewed.

The Mayor and Council will adopt a resolution setting forth the provisions of the Charter for review by the newly created Charter Review Commission.

Attachments

Attachment 11.C.a: Resolution establishing Charter Review Commission (PDF)


Sara Taylor-Ferrell, City Clerk/Director of Council Operations 2/19/2020

Resolution No. _____

RESOLUTION: To establish a Charter Review Commission to review and make recommendations to the Mayor and Council regarding the Charter of the City of Rockville

WHEREAS, the Mayor and Council is resolved to further perfect Rockville's form of government; and

WHEREAS, the Mayor and Council desires to establish a Charter Review Commission for the purpose of reviewing certain provisions of the City Charter and making recommendations to the Mayor and Council; and

WHEREAS, the Mayor and Council will be holding a public hearing to solicit input from the public regarding on what provisions of the City of Rockville Charter needs to be reviewed and updated; and

WHEREAS, once the public hearing is held, the Mayor and Council will adopt a resolution setting forth the provisions and/or topics upon which it wants the Charter Review Commission to review and make recommendations; and

WHEREAS, the Mayor and Council have agreed to establish the Charter Review Commission in accordance with the provisions set forth below.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE MARYLAND, as follows:

That a Charter Review Commission is hereby established as follows:

- a. The Charter Review Commission shall be comprised of no more than eleven members, all of whom shall be residents of the City.
- b. The City shall solicit applications for the Charter Review Commission from eligible members of the public according to the appointment procedures prescribed in the Mayor and Council's "Guidelines And Procedures For Citizen Boards and Commissions."
- c. Each member of the Mayor and Council may choose one member to serve on the Charter Review Commission. The Mayor and Council shall select and approve five additional members.
- d. The Chair of the Supervisors of Elections shall additionally serve as a non-voting *ex officio* representative to the Charter Review Commission.
- e. The Mayor shall nominate, and the Council shall approve, an additional member to serve as the Chair of the Charter Review Commission.

Resolution No. __

-2-

- f. Once established, the Charter Review Commission will review the City’s Charter and provide recommendations to the Mayor and Council in accordance with the resolution setting forth the provisions and/or topics to be reviewed.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of

Sara Taylor Ferrell, City Clerk/Director of
Council Operations



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Presentation and Discussion
 Department: PDS - Comprehensive Planning
 Responsible Staff: Andrea Gilles

Subject

Presentation and Discussion on East Rockville Residential Design Guidelines and Standards

Recommendation

Staff recommends that the Mayor and Council receive the presentation and discuss the guidelines.

Change in Law or Policy

Implementation of the East Rockville Residential Design Guidelines and Standards will modify certain requirements and provide guidelines for residential construction in East Rockville. A zoning text and map amendment will be required to implement the guidelines.

Discussion

Background

One of the objectives of the 2004 East Rockville Neighborhood Plan (2004 Plan) was to establish East Rockville as a Neighborhood Conservation Area to maintain its unique character and enhance both its physical and environmental features. Since 2004, several options for implementing this objective have been discussed including a Neighborhood Conservation District and Historic Designation; however, neither option received enough support to proceed as a neighborhood-wide project. There was concern about regulating architectural style with a Historic District as well as the onerous requirements needed for residents to initiate the NCD process.

Over the past decade, the neighborhood has experienced increasing development pressure for the construction of larger homes on existing lots. Original homes have been torn down and replaced with much larger structures. During the initial engagement meetings for the Rockville 2040 Comprehensive Plan, residents expressed concern about how the scale and proportion of new residential development was impacting this mature neighborhood, both from the perspective of design and environmental sustainability.

In late 2017, members of the East Rockville Civic Association (ERCA) approached Planning and Development Services (PDS) staff to discuss options to ensure that new homes contribute positively to the character of their unique neighborhood. PDS staff suggested creating Design Guidelines and Standards through a neighborhood engagement process, and the ERCA members

were supportive of that approach. Due to the regulatory and design expertise needed for such a project, the city decided to hire a design consultant to assist staff with the project. A contract was awarded in June 2018 to a design team, led by Michael Watkins Architect, LLC (the consultant), based in Gaithersburg, Maryland. The first of six neighborhood meetings for the Design Guidelines and Standards was held on October 9, 2018 at the Pump House.

Purpose of the East Rockville Residential Design Guidelines and Standards

The purpose of the East Rockville Residential Design Guidelines and Standards is to establish a clear set of expectations for new detached home construction and additions to existing homes in East Rockville. New development should contribute positively to the built and natural environments and integrate well into the traditional neighborhood context. The document provides a predictable review framework for residents, design professionals, contractors, City staff, and elected officials when considering or reviewing a new home or addition to an existing home.

The Design Guidelines and Standards also provide an opportunity to further broaden neighborhood goals including:

- Preserving and strengthening the unique identity and sense of place that exists among residents in the neighborhood.
- Promoting complementary and context-sensitive development between new and existing structures, while also allowing creative design.
- Promoting site design that preserves the natural features in the neighborhood and minimizes impacts on healthy tree canopy and stormwater management.
- Maintaining a walkable and pedestrian-friendly environment.

Applicability

The Design Guidelines and Standards would apply to new detached residential construction and to additions to existing homes in East Rockville. New construction includes infill development on a vacant lot, as well as tear-down and rebuilds. The Design Guidelines and Standards would be in addition to the existing base residential zoning development standards, and not a replacement. The document includes standards, the “wills” and the “musts,” that require compliance and guidelines, to which adherence is strongly encouraged.

If approved, the Design Guidelines and Standards would be adopted into the City’s Zoning Ordinance as a Special Zone and would be applied as an Overlay Zone for the East Rockville neighborhood. This would require a Zoning Text Amendment and a Sectional Map Amendment.

Issues Addressed in the Design Guidelines and Standards

The draft Design Guidelines and Standards document is organized into eleven issues. These issues were developed in response to concerns raised by residents throughout the engagement process. A survey (Attachment B) of different topic areas related to detached residential home design was incorporated into the first two community meetings to get a better sense of resident concerns and priorities. The survey was also made available online.

The proposed standards and guidelines for each issue were discussed in detail at every neighborhood meeting and refined based on resident feedback. To follow is a description, including general intent, for each of the issues included in the Design Guidelines and Standards. Also included are key points of discussion for some of the topics that, during the engagement process, generated greater debate either due to their complexity or to the unique approach proposed to address the issue. The complete standards and guidelines, along with graphic examples for each, may be reviewed in the draft document (Attachment A).

Building Orientation (Issue 1)

Building orientation refers to the way a building is positioned on its lot and how it relates to neighboring buildings and to the street. Buildings and front entryways that are oriented toward the street establish a welcoming atmosphere along the block and contribute to a walkable environment.

- ***Key Points of Discussion:*** Front Entrances

Normally, the proposed standard would simply require that the front entrance of the building face the street. It was pointed out by some residents that in certain parts of the neighborhood, homes were built with their entrance toward the side. There was concern that in the case of an addition, the renovations could be extensive enough to trigger compliance with the design guidelines and standards on both the new and original portions of the house, thereby requiring a change in the location of the front entrance. Residents felt that this could make certain improvements cost prohibitive and wanted to honor the traditional design of the original homes. Staff worked with the consultants and developed language that allowed an exception for front entrances, in the case of an addition, “if the design is based on architectural precedent and the entry placement conforms to the historic or original design of the home” (draft document, page 3).

Building Placement (Issue 2)

Maintaining an established building setback pattern is a way of preserving neighborhood character. Setbacks may vary slightly, due to topography changes, or to conserve a natural feature, but in general, a consistent front yard appearance should be maintained.

Lot Coverage (Issue 3)

Lot coverage is the percentage of lot area covered by buildings. The building footprint of new homes has increased, in some cases dramatically, over the past couple of decades. It has become more common to maximize the building envelope, resulting in greater lot coverage and buildings that are out-of-scale with their neighbors. This not only impacts design and character, but stormwater management as well. Larger houses are often accompanied by more paved surfaces, including driveways and walkways, which can exacerbate stormwater issues. Establishing a maximum building footprint and limiting impervious surfaces are efforts to mitigate building mass and scale impacts, as well as impacts on the stormwater management system.

- **Key Points of Discussion:** Building Footprint and Impervious Cover
Lot coverage, including buildings and impervious surfaces (driveways, walkways, patios, etc.), was discussed and debated at every neighborhood meeting. Initially, the recommendation was to lower the percentage of the lot that could be covered by buildings to 25%, instead of the 35% currently allowed by the zone. Concerns were raised about potential impacts on the smaller lots, as well as the option to build an Accessory Dwelling Unit (ADU) in the future. The refined proposal was to maintain the existing lot coverage maximum but limit the footprint of the primary building to 1,500 square feet, like the Lincoln Park Neighborhood Conservation District (NCD). For reference, a traditional 6,000 square foot lot in the R-60 zone would allow a footprint of 2,100 square feet if the 35% lot coverage limit was maximized.

Residents pointed out at the last neighborhood meeting that this new requirement could potentially penalize homeowners who wanted to add on to, but retain, their single-story home. In response, staff included the standard, which is also part of the Lincoln Park NCD, that if an existing one-story house is retained, an addition may bring total lot coverage up to 35% of the smallest lot size available (example: 6,000 square feet in the R-60 zone) or up to 2,100 square feet (draft document, page 5).

Also included within this topic are standards for impervious cover in the front and rear yards. The Design Guidelines and Standards propose to limit the driveway width between the street and the front of the house to 12 feet, unless pervious materials are used. If so, the width may increase to 20 feet. A limit on backyard impervious cover is also included, something not currently in the zoning code. The proposed standard would limit backyard impervious cover to 50%.

Parking, Garages & Pavement (Issue 4)

Garages should not be the prominent feature of the front elevation of the home or of the street frontage. Streetscapes that are dominated by garages and driveways give prominence to vehicles rather than reflecting a walkable, inviting neighborhood.

- **Key Points of Discussion:** Garages and Driveways
As pointed out with the previous issue, the proposed maximum width of a driveway, between the street and the front of the house is 12 feet, if impervious materials are used. Driveways may be widened to 20 feet if pervious materials are incorporated. With respect to garages, the proposal is to require that garages sit a minimum of 5 feet behind the front of the home (draft document, page 6). These requirements are intended to minimize the prominence of vehicle storage and promote a more pedestrian-oriented environment. Traditionally, the homes in East Rockville were built with a single-lane driveway, paved ruts, or in many cases, no driveway at all.

Additions (Issue 5)

Additions should complement the design and proportions of the original structure. They should be concentrated toward the rear or the side of the existing structure whenever possible. The overall height, massing, and proportions should relate well to adjacent structures, as well as to the larger neighborhood context. Additions with a proposed second story along a block of predominantly one-story homes, should demonstrate sensitivity regarding the overall scale and proportion, as well as window placement and privacy of the new portion of the structure.

- **Key Points of Discussion:** Proportions and Massing
Some of the additions that have been built in East Rockville appear as separate structures from the original home. Given that in certain sections of the neighborhood, original homes were built with a floor area of less than 1,000 square feet, additions can easily become larger than the original structure. Different concepts were explored to reduce the perceived bulk of an addition and improve upon the relationship between the original and new portions of the home. The proposed language emphasizes additions that are secondary in massing to the original structure, are located to the side or rear of the home, utilize compatible roof lines and ridges, and incorporate consistent materials and window placement and proportions (draft document, pages 8-9).

Building Massing & Scale (Issue 6)

The size of a typical single-family home is larger today than it was in the first half of the 20th century, when many of the homes in East Rockville were built. Finding a balance between creative design, changing preferences in housing size and styles, and an established neighborhood identity is one of the primary challenges for design guidelines in older communities. The massing and scale of new construction can have the greatest impact on neighborhood character. Larger construction should be context-sensitive to the existing smaller-scaled development pattern. Roof lines, massing variation, window placement, and porches, among other treatments, can have a significant impact on the perceived mass of a building.

Building Height (Issue 7)

A building's scale is established largely by its height. Relatively consistent building heights establish a certain rhythm to a street. If a building is much taller than its surrounding neighbors, it can seem out of place and break the existing rhythm. In older neighborhoods, it is not uncommon for one-story buildings to be replaced with taller, two-story homes. A building can be larger than adjacent structures and still be in scale and harmonious with the neighborhood. Currently, the City's zoning code measures height to the mid-point of the roof. Measuring to the peak provides greater predictability of final maximum building height.

- **Key Points of Discussion:** How Building Height is Measured
The maximum building height in the existing zone is 35 feet, measured to the mid-point of the roof. Some of the new homes have been built to this standard, plus a few extra feet to the peak. This can be a significant contrast with adjacent homes, especially in areas where a single-story development pattern is predominant. Rather than lower the

height limit, the proposed standard would require that building height be measured to the peak, instead of the mid-point. In addition, the maximum number of stories permitted would be two and a half, rather than the three stories that are possible under the current code (draft document, page 10). One exception where the proposal is to lower the overall building height maximum is for flat roofs. As proposed, the maximum height would be 30 feet for flat roofs (draft document, page 10). Originally, the recommendation was to prohibit flat roofs; however, some residents did not want to limit the potential for creative design, so the standard was refined accordingly.

Roof Pitch (Issue 8)

Pitch is the slope or angle of a roof. The form of a roof can contribute significantly to the mass and proportion of a building. Utilizing a lowered pitch or fewer ridges and valleys is another way of reducing the bulk of a structure.

Building Articulation (Issue 9)

Articulating a building facade means to provide a variation to its surface, such as framed windows, adding a porch, or off-setting a portion of the elevation. Articulation gives texture to exterior walls, and simple treatments can provide architectural interest and break up the bulk of large structures.

Building Materials (Issue 10)

Material types and where they transition impact the appearance of a building. A change in materials, for example, between the first and second stories, can help break up the perceived bulk of a structure. Materials should be used in a consistent manner, including between the principal building and accessory structures.

Porches & Stoops (Issue 11)

Porches and stoops add more than just character and interest to a house. They also facilitate community and put more "eyes on the street," as they provide a place for sitting and conversation. Practically, they also provide shelter from the elements, and depending on size, additional living space.

- **Key Points of Discussion:** Balancing Design Requirements with Cost Implications
Porches and stoops add to a neighborhood's welcoming feel. They also add character to a home and can break up the mass of a building. Many homes in East Rockville have porches and stoops, and it was important to ensure that new homes incorporate them as well. Originally, it was recommended that all new homes have a porch or a covered stoop. After further discussion with residents, particularly about the added cost of such a requirement, the proposed standard was expanded to include the less onerous, and generally less-costly, uncovered porches and stoops as well.

Other Issues

The following items do not relate specifically to one issue but are topics that were raised throughout the process and have been addressed as part of the overall document.

Alternative Compliance

Staff recognizes that there may be unique circumstances that make meeting one or more of the proposed requirements infeasible. Further, there may be alternative design solutions that may not specifically meet a standard but still meet the overall intent of the Design Guidelines and Standards. As such, an “alternative compliance” option is included and may be granted by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance if “the proposed alternative design maintains the intent and spirit of the guidelines and standards and provides an equal or better design solution in terms of livability for residents and impacts on neighboring properties. Alternative compliance may be particularly appropriate to address site-specific constraints, including irregular lot shapes and dramatic grade changes. Site specific opportunities include, for example, the desire to preserve a mature tree and in doing so, building footprint or setbacks may need adjusting” (draft document, page 2).

Mature Tree Preservation

Members of the East Rockville Civic Association (ERCA) have made the preservation of the neighborhood’s tree canopy a priority. Currently, tree preservation may only be addressed in the Design Guidelines and Standards as a rationale for a request for alternative compliance. However, the Design Guidelines and Standards can include more protection of existing trees through such things as:

1. Maintaining building setback lines as limits of disturbance if needed to protect existing trees on the lot or adjacent lots;
2. Requiring three trees per lot for rebuilds or major additions and make preserving existing mature trees on the lot a priority over planting new trees; and/or
3. Providing disincentives for removing existing specimen trees outside of the building footprint (high payment-in-lieu).

Staff seeks feedback from the Mayor and Council about incorporating more explicit direction about mature tree preservation into the Design Guidelines and Standards.

Mayor and Council History

This is the first briefing on this item to the Mayor and Council.

Options Considered

Since the East Rockville Neighborhood Plan was adopted in 2004, several options have been considered including an Historic District and a Neighborhood Conservation District (NCD). Neither option received enough support to proceed as a neighborhood-wide project. There was concern about regulating architectural style within a Historic District, as well as the onerous requirements needed for residents to initiate the NCD process.

Public Notification and Engagement

Along with a design consultant, PDS staff worked with East Rockville residents over the course of a year to identify and prioritize issues related to new housing development and exploring different design solutions to address the issues. Six neighborhood meetings were held between October 2018 and October 2019. Staff also attended several ERCA meetings to provide updates on the process.

For each of the neighborhood meetings, staff worked with ERCA to circulate meeting invites through their email listserv, as well as on their website. Staff also compiled an email list of everyone who signed into meetings and sent updates to that list. A webpage was created for the project, and all meeting materials, including the draft document and the issues survey, were posted online. In addition, comments could be submitted through the project webpage, directly to staff. In advance of two of the neighborhood meetings, the first workshop with the consultants and the final draft review meeting, postcards were sent to all detached residential property owners within the East Rockville boundary. The following is a list of meeting dates and topics:

- Meeting 1: October 9, 2018 at the Pump House. Information session and survey.
- Meeting 2: October 25, 2018 at City Hall. Workshop with consultants.
- Meeting 3: January 24, 2019 at the Pump House. Review and discuss first draft.
- Meeting 4: March 12, 2019 at the Pump House. Review and discuss second draft.
- Meeting 5: June 3, 2019 at the Pump House. Review and discuss third draft.
- Meeting 6: October 14, 2019 at Glenview Mansion. Final draft review and discussion.

Staff will continue to provide updates by email to the contact list and to the Civic Association throughout the Planning Commission and Mayor and Council process.

Boards and Commissions Review

If the Mayor and Council authorize staff to proceed with the implementation of the Guidelines and Standards via zoning text and map amendments, staff will schedule a meeting with the Planning Commission to initiate their review of the amendment applications. Once their review is complete, the Planning Commission will forward their recommendation to the Mayor and Council for final review and possible adoption.

Next Steps

If the Mayor and Council believe that they have received enough information about the project at this briefing, staff will schedule a request for authorization to file the zoning text and map amendments to implement the East Rockville Residential Design Guidelines and Standards at an upcoming Mayor and Council meeting. The zoning text amendment will include some of the standards in the Design Guidelines and Standards and incorporate them into the Zoning Code as an overlay zone. A final version of the Design Guidelines and Standards will be brought to the Mayor and Council for approval alongside the zoning text amendment.

Attachments

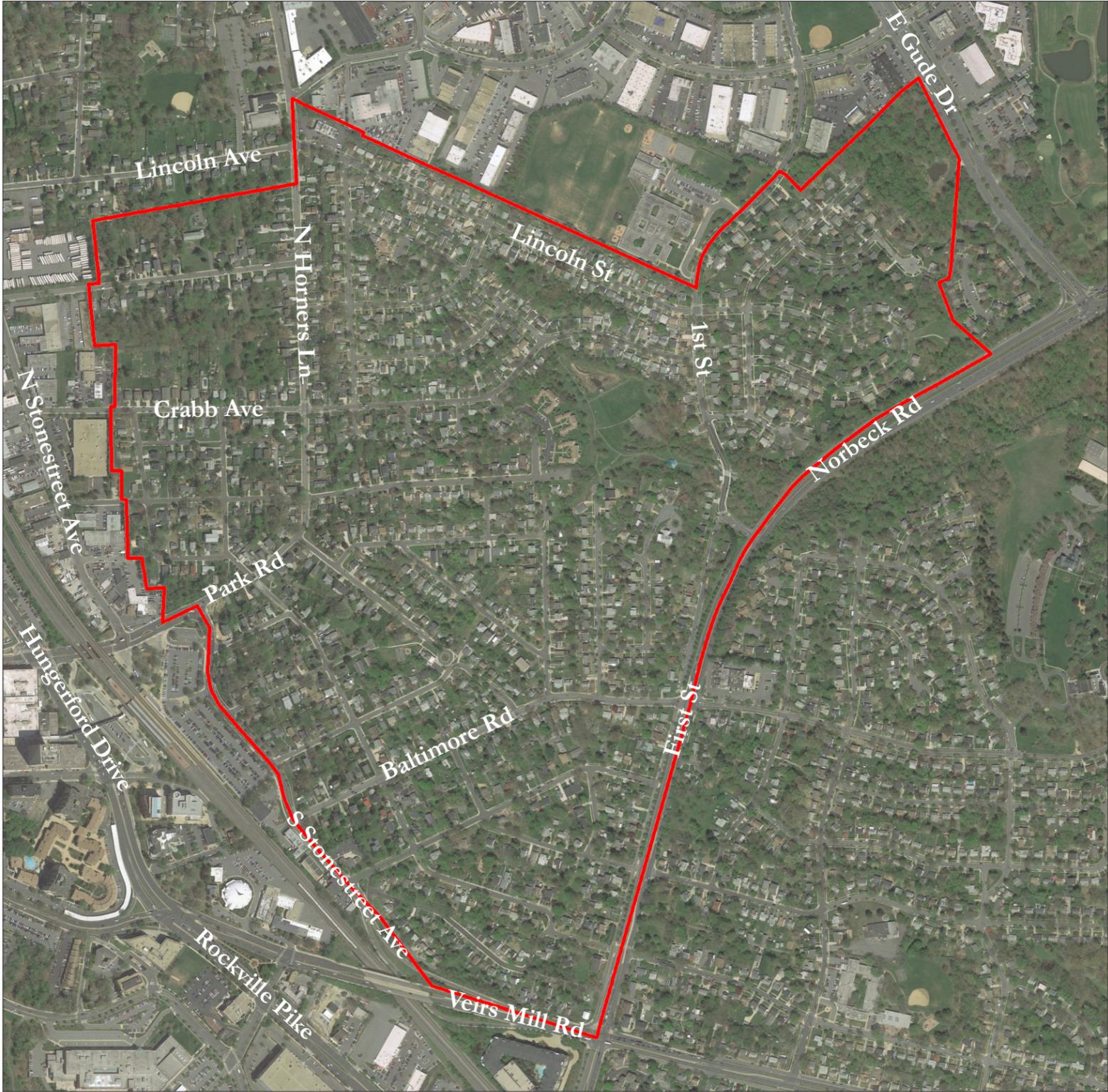
Attachment 12.a: East Rockville Design Guidelines and Standards DRAFT (PDF)

Attachment 12.b: Design Guidelines and Standards Survey (PDF)



Rob DiSpirito, City Manager

2/19/2020



October 25, 2018					
	Very Important 2 points	Somewhat Important 1 point	Not Important 0 points	Total	
Building Orientation (ex: where the house has its front)	8	6	0	14	Urban
Building Placement (/how far from or close to the street)	8	4	0	12	
Lot Coverage (age of the lot covered by buildings)	12	4	0	16	Lot
Front Yard Paving (from driveways, porches, walkways)	10	4	0	14	
and Garage Placement/Location	2	7	0	9	
Building Mass and Scale	22	0	0	22	Mass
Building Height	18	1	0	19	
Building Articulation (ing materials, varying roof lines, etc.)	14	4	0	18	
Home Additions	8	6	0	14	
Porches and Stoops (w homes have them? certain styles?)	4	6	0	10	
Roof Styles (architectural design)	2	4	0	6	
Window and Door Types/Styles (architectural design)	4	3	0	7	Architecture
Building Material Types	0	6	0	6	



EAST ROCKVILLE DESIGN GUIDELINES AND STANDARDS

Rockville, Maryland

GSA CONSULTING, INC. and LSG LANDSCAPE ARCHITECTURE and MICHAEL WATKINS ARCHITECT, LLC for CITY OF ROCKVILLE and EAST ROCKVILLE CIVIC ASSOCIATION

Attachment 12.a: East Rockville Design Guidelines and Standards DRAFT (2025 : East Rockville Residential Design Guidelines and Standards:

NEIGHBORHOOD MEETINGS

- 1A. Information Session and Survey (Oct 9, 2018)**
- 1B. Community Engagement Workshop (Oct 25, 2018)**
- Goals, Preferences, Priorities, Survey
- 1C. Community Engagement Meeting (Jan 24, 2019)**
- Review and Discuss First Draft
- 1D. Community Engagement Meeting (Mar 12, 2019)**
- Review and Discuss Second Draft
- 1E. Community Engagement Meeting (Jun 3, 2019)**
- Review and Discuss Third Draft
- 1F. Final Neighborhood Meeting (Oct 14, 2019)**
- Review and Discuss Revised Draft

CONTENTS

2. Design Guidelines and Standards

- Introduction1
- Definitions.....2
- Building Orientation (Issue 1)3
- Building Placement (Issue 2)4
- Lot Coverage (Issue 3)5
- Parking, Garages & Pavement (Issue 4)6
- Additions (Issue 5) 7-8
- Building Massing & Scale (Issue 6).....9
- Building Height (Issue 7)10
- Roof Pitch (Issue 8).....11
- Building Articulation (Issue 9)12
- Building Materials (Issue 10)13
- Porches & Stoops (Issue 11)14

NEXT STEPS

- 3. Adoption Process**
- 4. Final Revisions and Deliverables**

INTRODUCTION

East Rockville is a well-established, predominantly single-family neighborhood located within walking distance of the Rockville Metro Station. Most of the housing stock was built in the 1940s and early 1950s during the development boom that occurred after World War II, however, historic homes dating from the late 1800s, some of the first in Rockville, still stand today.

The most recent neighborhood plan for East Rockville was adopted in 2004 and included an objective to establish East Rockville as a Neighborhood Conservation Area to maintain its unique character and enhance both its physical and environmental features. Since 2004, several options for implementing this objective have been discussed including a Neighborhood Conservation District (NCD) and Historic Designation; however, neither option received enough support to proceed as a neighborhood-wide project. There was concern about regulating architectural style with a Historic District as well as the onerous requirements needed for residents to initiate the NCD process.

Over the past decade, the neighborhood has experienced development pressure for different housing types, and an increasing number of original homes have been torn down and replaced with much larger structures. During the initial engagement meetings for the Rockville 2040 Comprehensive Plan, residents expressed concern about how the scale and proportion of new residential development was impacting this mature neighborhood, both from the perspective of design and environmental sustainability.

In late 2017, members of the East Rockville Civic Association (ERCA) approached Planning and Development Services (PDS) staff to discuss options to ensure that new homes contribute positively to the character of their unique neighborhood. PDS staff suggested creating Design Guidelines and Standards through a neighborhood engagement process, and the ERCA members were supportive of that approach. Due to the regulatory and design expertise needed for such a project, the city decided to hire a design consultant to assist staff with the project. A contract was awarded in June 2018 to a design team, led by Michael Watkins Architect, LLC (the consultant), based in Gaithersburg, Maryland. The first of six neighborhood meetings for the Design Guidelines and Standards was held on October 9, 2018 at the Pump House.

PURPOSE

The purpose of the East Rockville Residential Design Guidelines and Standards is to establish a clear set of expectations for new detached home construction and additions to existing homes in East Rockville. New development should contribute positively to the built and natural environments and integrate well into the traditional neighborhood context. The document provides a predictable review framework for residents, design professionals, contractors, city staff, and elected officials when considering or reviewing a new home or addition to an existing home.

The Design Guidelines and Standards also provide an opportunity to further broaden neighborhood goals including:

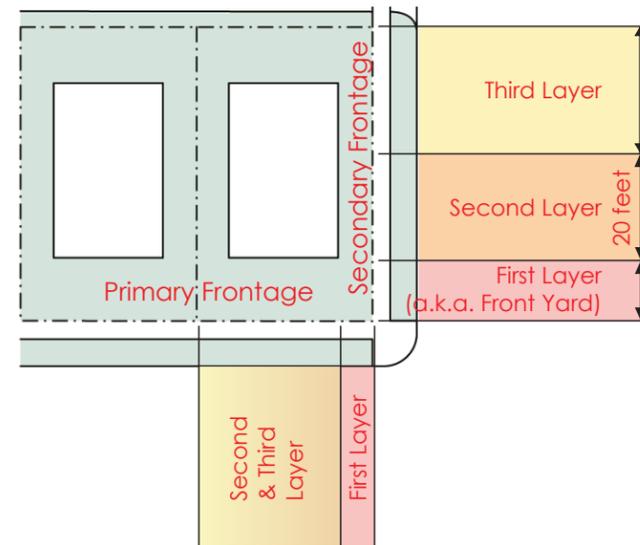
- Preserving and strengthening the unique identity and sense of place that exists among residents in the neighborhood.
- Promoting complementary and context-sensitive development between new and existing structures, while also allowing creative design.
- Promoting site design that preserves the natural features in the neighborhood and minimizes impacts on healthy tree canopy and existing stormwater management.
- Maintaining a walkable and pedestrian-friendly environment.

APPLICABILITY

- These design guidelines and standards apply to all new residential detached construction whether an entirely new building or an addition(s) to an existing building. They are a supplement to all applicable City codes, ordinances and adopted plans.
- Any new development within an historic district, or any addition to a structure that has been designated as an historic structure, is subject to approval by the Historic District Commission.
- Provisions of this document are activated by "must" and "will" when required; "should" when advisory but highly recommended.
- Alternative compliance to these design guidelines and standards may be approved by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance if: the proposed alternative design maintains the intent

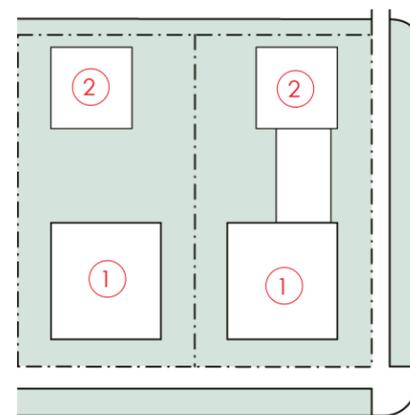
and spirit of the guidelines and standards and provides an equal or better design solution in terms of livability for residents and impacts on neighboring properties. Alternative compliance may be particularly appropriate to address site-specific constraints, including irregular lot shapes and dramatic grade changes. Site specific opportunities include, for example, the desire to preserve a mature tree and in doing so, building footprint or setbacks may need adjusting.

DEFINITIONS: LAYERS



Layer (First, Second and Third).
A range of depth of a lot within which certain elements are permitted.

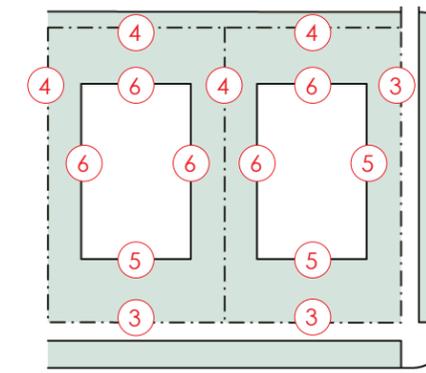
DEFINITIONS: BUILDING DISPOSITION



Building.
A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

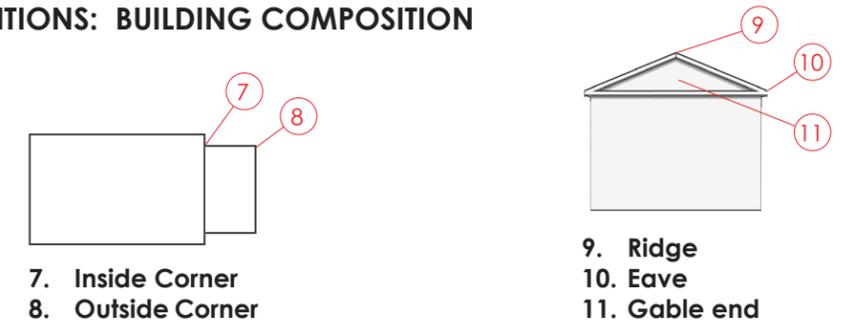
- 1. Principal Building.** The main building on a lot, usually located toward the Frontage.
- 2. Accessory Building.** A building subordinate to, and located on the same lot with a main/principal building, the use of which is clearly incidental to that of the main/principal building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

DEFINITIONS: FRONTAGE & LOT LINES, FAÇADES & ELEVATIONS



- 3. Frontage.** The area between a building Façade and the vehicular lanes, inclusive of its built and planted components. On a corner lot, the primary Frontage is the Frontage which faces the more primary street (typically the street with the narrower Frontage).
- 4. Lot Line.** The boundary that legally and geometrically demarcates a Lot.
- 5. Façade.** An exterior wall of a building facing a Frontage Line.
- 6. Elevation.** An exterior wall of a building not a facing a Frontage Line.

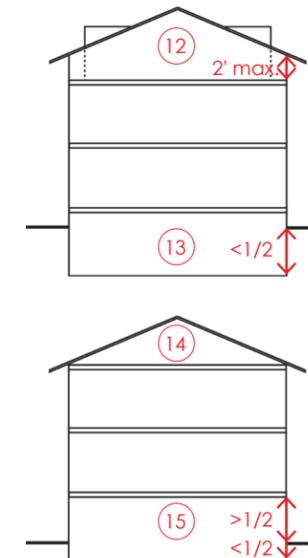
DEFINITIONS: BUILDING COMPOSITION



- 7. Inside Corner**
- 8. Outside Corner**

- 9. Ridge**
- 10. Eave**
- 11. Gable end**

DEFINITIONS: BUILDING HEIGHT

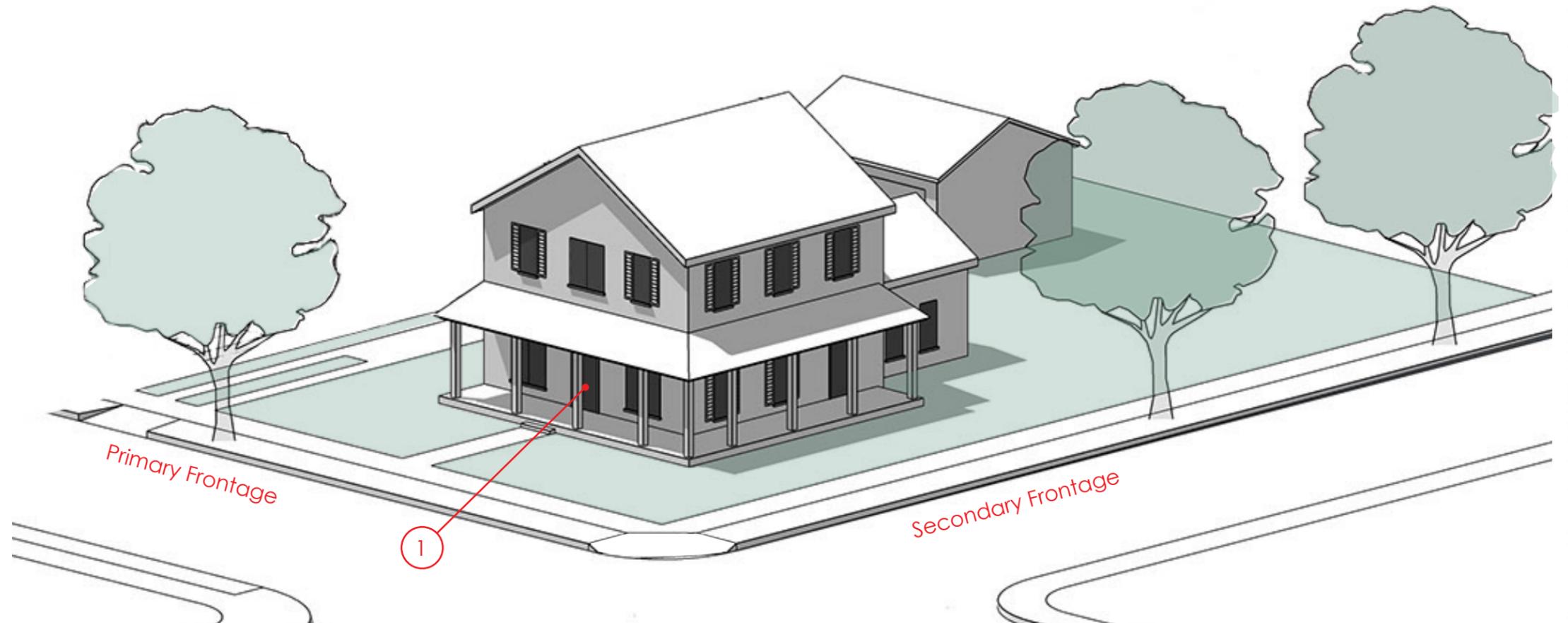


- 12. Half-story.** A story under a gable, hip, or gambrel roof, the wall plates of which on the least two (2) opposite exterior walls are not more than 2 feet above the floor of such story.
- 13. Cellar.** That portion of a building below the first-floor joists at least half of whose clear ceiling height is below the level of the adjacent ground (compare with Basement).
- 14. Attic.** The interior part of a building contained within a pitched roof structure.
- 15. Basement.** That portion of a building below the first-floor joists, at least half of whose clear ceiling height is above the level of the adjacent finished grade (compare with Cellar).

BUILDING ORIENTATION (ISSUE 1)

Building orientation refers to the way a building is positioned on its lot and how it relates to neighboring buildings and to the street. Buildings and front entryways that are oriented toward the street establish a welcoming atmosphere along the block and contribute to a walkable environment.

- 1 The front entrance of the primary building must face the primary frontage. In the case of an addition or renovation to an existing house, an exception may be made if the design is based on architectural precedent and the entry placement conforms to the historic or original design of the home.
- 2 On corner lots, both façades must be similarly designed and detailed and have similar opening proportion, placement, pattern and alignment.



Corner lot, both sides articulated.



Front doors, porches engaging the street.



Front walkways connecting to sidewalk.

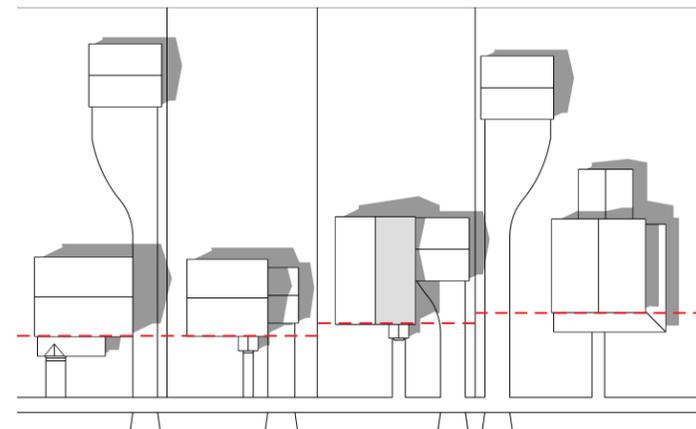
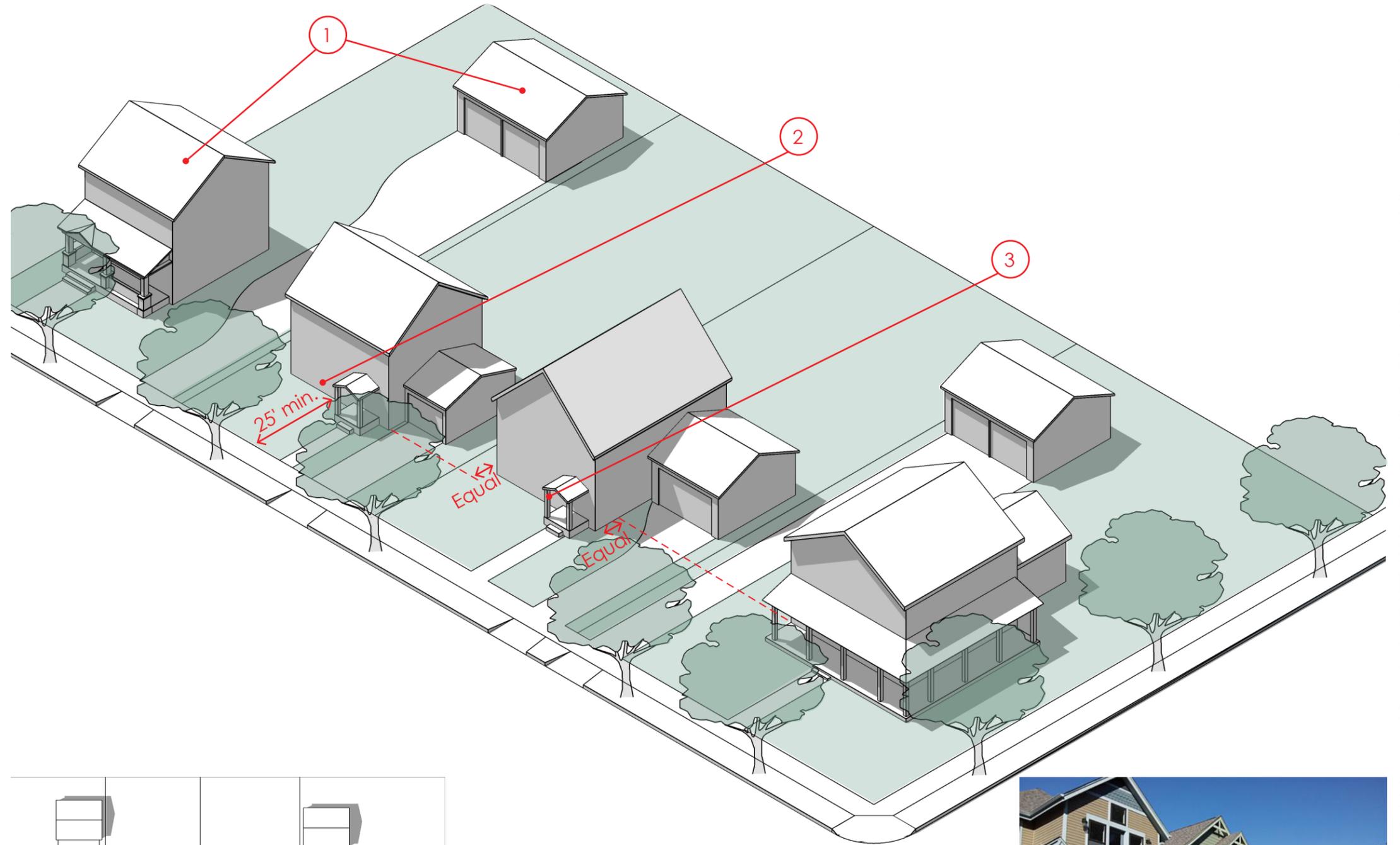


Side entry turned away from the street.

BUILDING PLACEMENT (ISSUE 2)

Maintaining an established setback pattern is a way of preserving neighborhood character. Setbacks may vary slightly, due to topography changes, or to conserve a natural feature, but in general, a consistent front yard appearance should be maintained.

- 1 One Principal Building may be built at the frontage on each lot. Accessory Buildings to the rear of the principal Building are also permitted.
- 2 Minimum front setback standards are established by the applicable zoning district: New structures and additions must be compatible with the prevailing site arrangement, setback distance and orientation of neighborhood houses to reinforce the existing character of the street.
- 3 Any existing buildings not conforming to an established setback pattern on the block-face must not be used to determine a setback range.
- 4 The following may encroach into the required setback: porches (except enclosed porches), stoops, terraces, balconies, bay windows.
- 5 Façades must be built parallel to the primary street frontage.
- 6 Side setbacks for principal buildings must be the minimum required by the zoning code.



Plan view of the same block showing setbacks.



Consistent setback pattern.

WORKING DRAFT

LOT COVERAGE (ISSUE 3)

The building footprint of new homes has increased, in some cases dramatically, over the past couple of decades. It has become more common to maximize the building envelope, resulting in greater lot coverage and buildings that are out-of-scale with their neighbors. This not only impacts design and character, but stormwater management as well. Larger houses are often accompanied by more paved surfaces, including driveways and walkways, which can exacerbate stormwater issues. Establishing a maximum building footprint and limiting impervious surfaces are efforts to mitigate building mass and scale impacts as well as impacts on the stormwater management system.

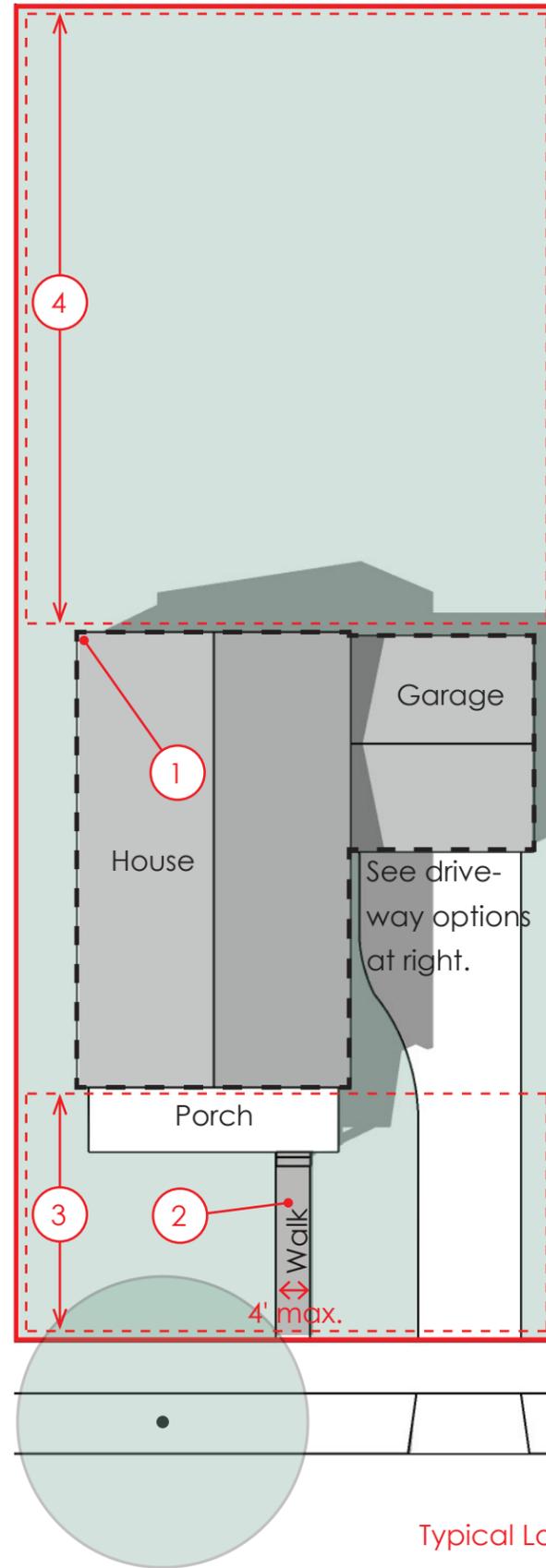
Lot Coverage: The percentage of lot area covered by buildings, including enclosed porches and accessory buildings.

- 1 Lot coverage by buildings must be a maximum 35% of the lot with the exception of covered or uncovered porches facing frontages. Total building footprint (ground floor), not including covered or uncovered porches facing frontages, must be a maximum of 1,500 s.f.

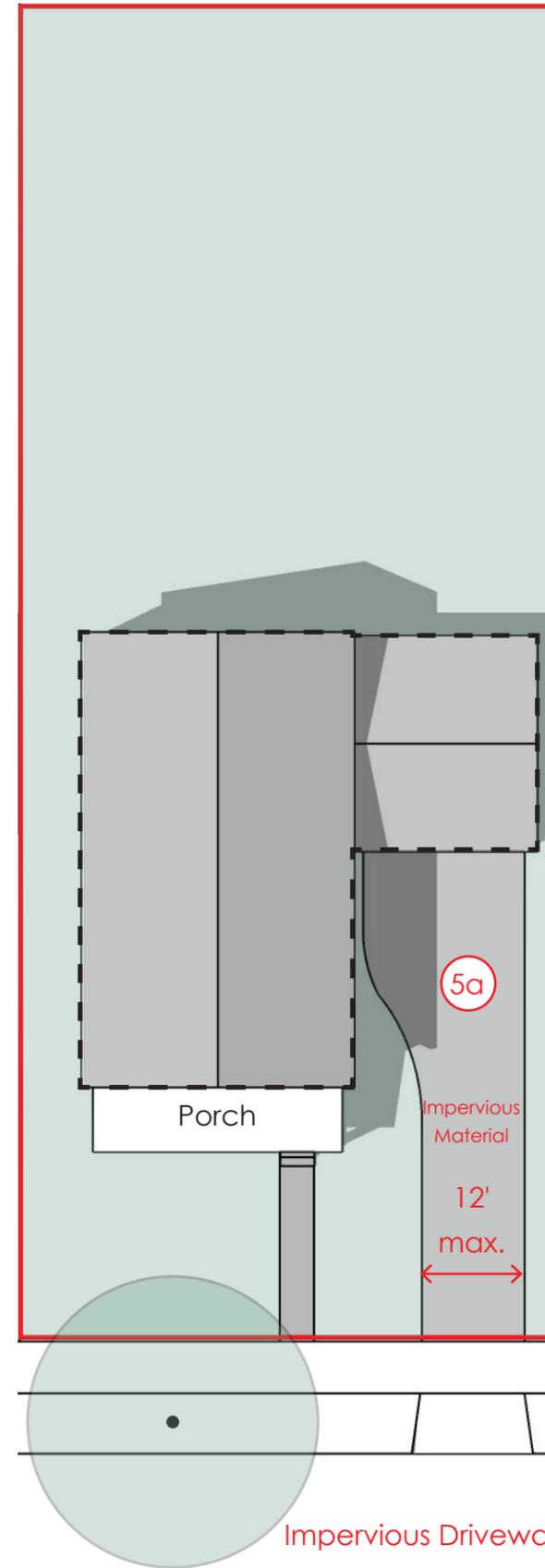
If an existing one-story house is retained, an addition may bring total lot coverage up to 35% of the smallest lot size permitted (ex: 6,000 square feet in the R-60 zone) or up to 2,100 square feet.

- 2 Walks must be 4 ft. wide max.
- 3 Front yard impervious coverage must be a maximum of 40%.
- 4 Rear yard impervious coverage must be a maximum of 50%.
- 5a In the first layer, driveways of an impervious material must be 12 ft. wide max.
- 5b Driveways of a pervious material must be 20 ft. wide max. or 2 car widths max., whichever is less.

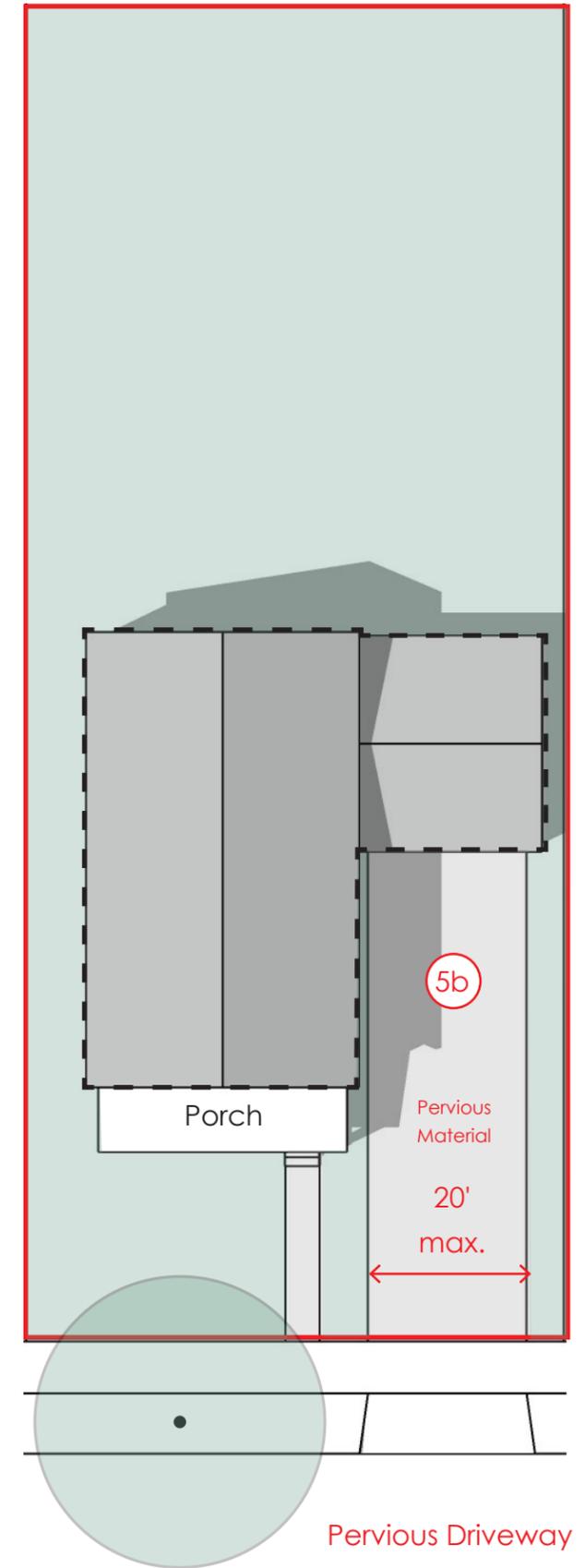
- Property Line
- - - Building Footprint (< 35% of Lot Area; 1,500 s.f. max. if not retaining single-story)
- Areas Counted as Impervious



Typical Lot



Impervious Driveway



Pervious Driveway

PARKING, GARAGES & PAVEMENT (ISSUE 4)

Garages should not be the prominent feature of the front elevation of the home or of the street frontage. Streetscapes that are dominated by garages and driveways give prominence to vehicles rather than reflecting a walkable, inviting neighborhood.

- 1 In the First Layer, the following are permitted:
 - Driveways of 12 feet maximum width.
 - Pervious materials, impervious materials, and paved ruts are permitted.
 - Driveways of 20 feet maximum width if permeable materials are utilized.

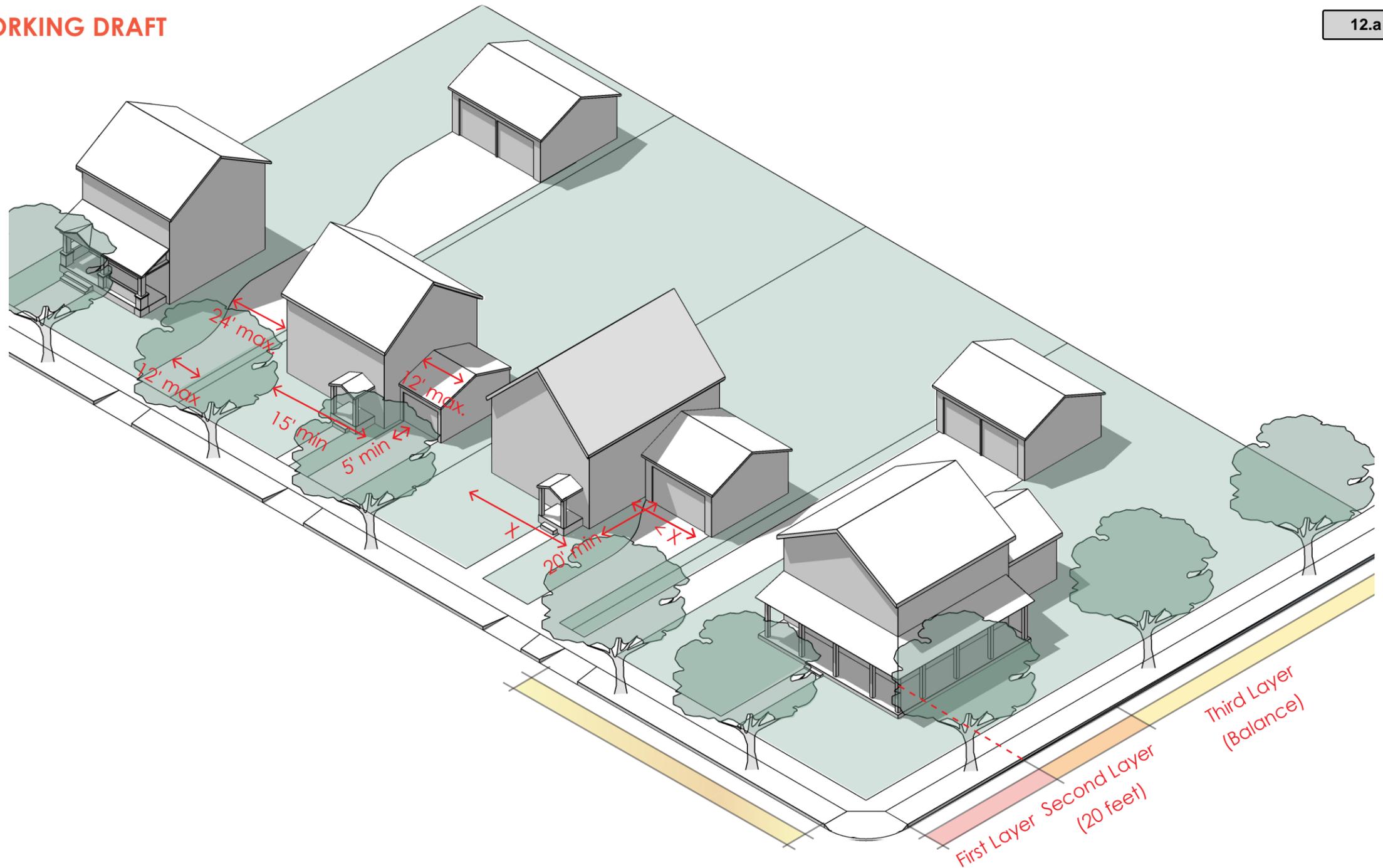
In the First Layer, the following are prohibited:

- Garages
- Carports

- 2 In the Second Layer, the following are permitted:
 - Driveways of 24 feet maximum width if pervious materials are utilized.
 - Driveways of 20 feet maximum width if impervious materials are utilized.
 - Paved ruts.
 - Garages and carports of 12 feet wide or less placed a minimum of 5 feet behind the façade of the primary building, if façade is at least 15 feet wide.

- 3 In the Third Layer, the following are permitted:
 - Driveways of pervious or impervious materials.
 - Paved ruts
 - Parking
 - Garages
 - Carports

In all layers, permeable materials are preferred.



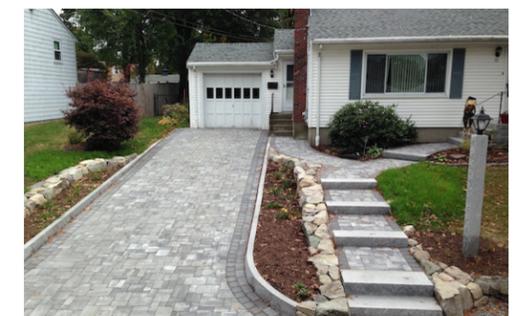
Garage beside house, set back.



Garage in rear yard, paved rut driveway.



Driveway with mixed materials.

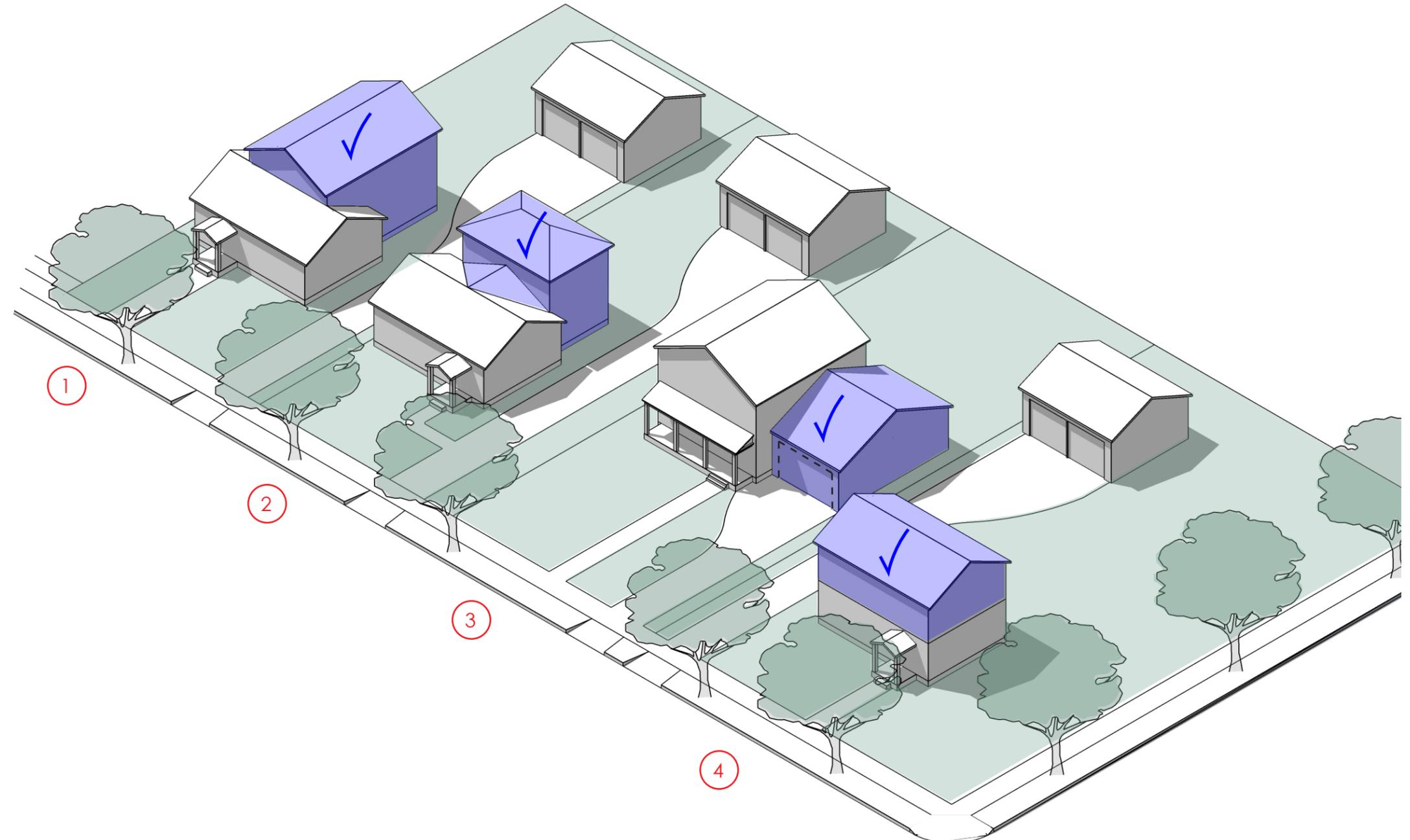


Driveway with permeable materials.

ADDITIONS (ISSUE 5)

Additions should complement the design and proportions of the original structure. They should be concentrated toward the rear or the side of the existing structure whenever possible. The overall height, massing, and proportions should relate well to adjacent structures as well as to the larger neighborhood context. Additions with a proposed second story along a block of predominantly one-story homes, should demonstrate particular sensitivity regarding the overall scale and proportion as well as window placement and privacy of the new portion of the structure.

- 1 This addition is desirable because it is secondary in massing to the original structure (for example, it is smaller than, narrower than, shorter than, behind etc. or a combination of these things) and would be relatively inconspicuous from the street. However, the two-story height behind a one-story house barely qualifies as "secondary." If the new roof extended in front of the original ridge, it would not be considered secondary and would be undesirable.
- 2 This addition is desirable because it is secondary in massing to the original structure (for example, it is smaller than, narrower than, shorter than, behind etc. or a combination of these things) and would be relatively inconspicuous from the street, similar to house 1. Using a roof pitch similar to that of the original structure and a hipped roof help keep the two-story mass from dwarfing the original one-story structure.
- 3 A roof eave and ridge that is lower than the original structure is desirable as is a roof that is perpendicular to the original structure.
- 4 A second-story addition can be desirable if the floor area of the second floor does not extend past the walls of the original structure, resulting in a single simple mass.



Rear addition, front and side views: secondary in massing from the primary street, change in roof lines to minimize mass, symmetrical window alignment and placement.



Rear addition doesn't dwarf original, roof ridge is only a few ft above, & it's relatively inconspicuous from the street.



Set back addition, matches colors & detail, roof ridge & eave lower than those of the original structure.



2nd story addition. Simple massing, symmetric windows with detail, porch breaks-up mass.

ADDITIONS (ISSUE 5)

Illustrated Examples

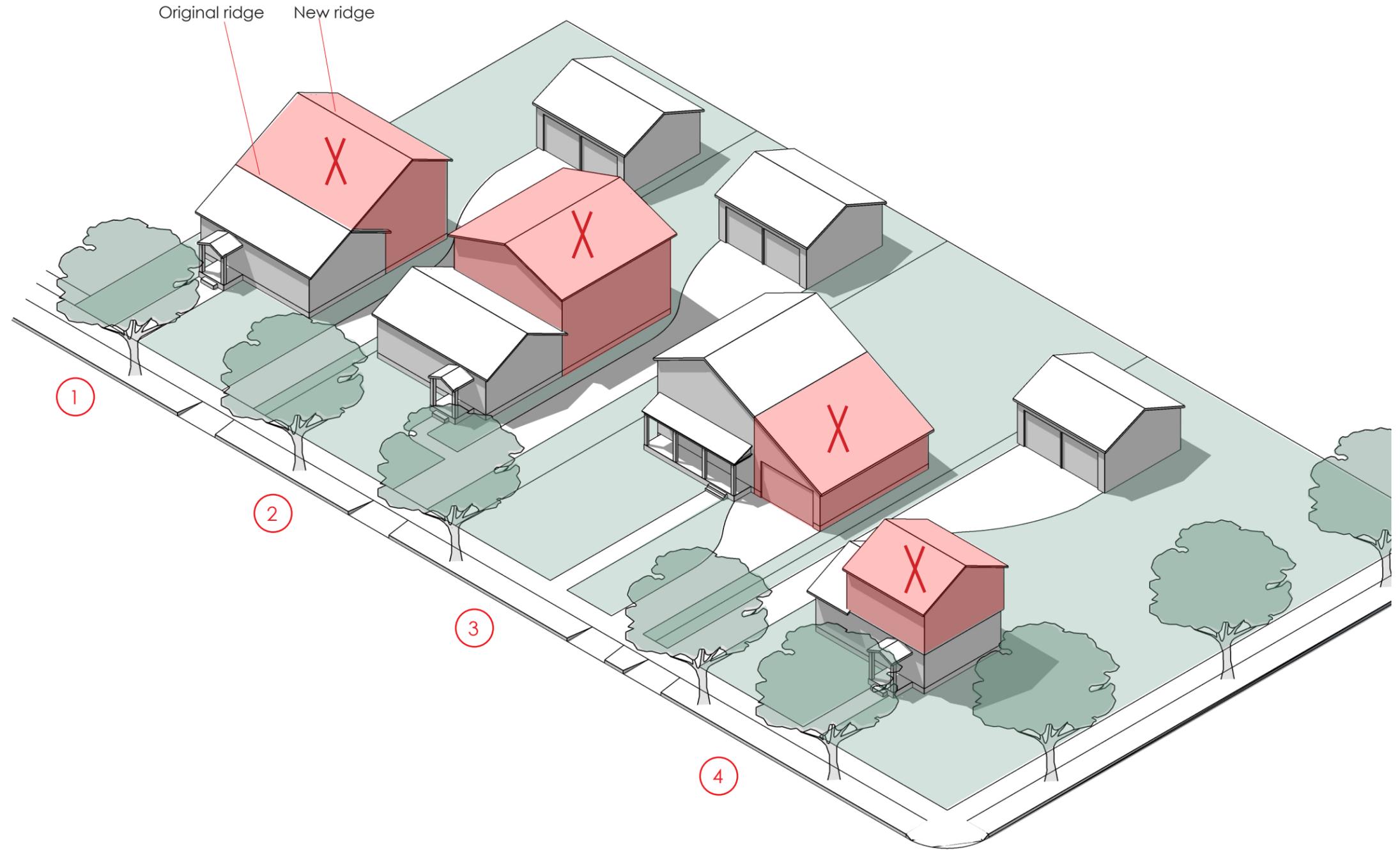
Shown to the right are some examples of additions which are not desirable.

- 1 The ridge of the roof of this addition dwarfs the original structure and looks out of place from the street. The ridge of the roof of an addition should not be higher than the ridge of the roof of the principal building unless the addition adds a full story to the Principal Building.
- 2 Similar to house 1, the two-story addition dwarfs the original one-story structure in front of it. The width of the addition should be less than that of the original structure, especially if the addition is taller.
- 3 This addition is undesirable because of the extension of the roof, which creates an unbalanced massing.
- 4 Adding a second-story that is of a greater floor area or extends past the walls of the original structure is undesirable.

General Guidelines and Standards

To follow are generalized guidelines and standards for all types of additions.

- 5 The eave of an addition must not be higher than the eave of the principal building unless the addition adds a full story to the Principal Building.
- 6 Additions to an existing principal building must be secondary in massing, scale and detail to the principal building.
- 7 Additional stories should appear structurally feasible, i.e. openings should be directly above openings in the existing story below.
- 8 Façades of an additional story must be the same material as the existing story below, or, an acceptable, appropriate transition between materials must be included in the design.
- 9 Window proportions in additional stories must match those of the predominant windows in the original structure.

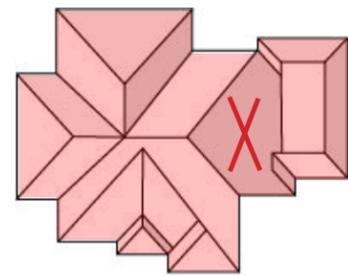
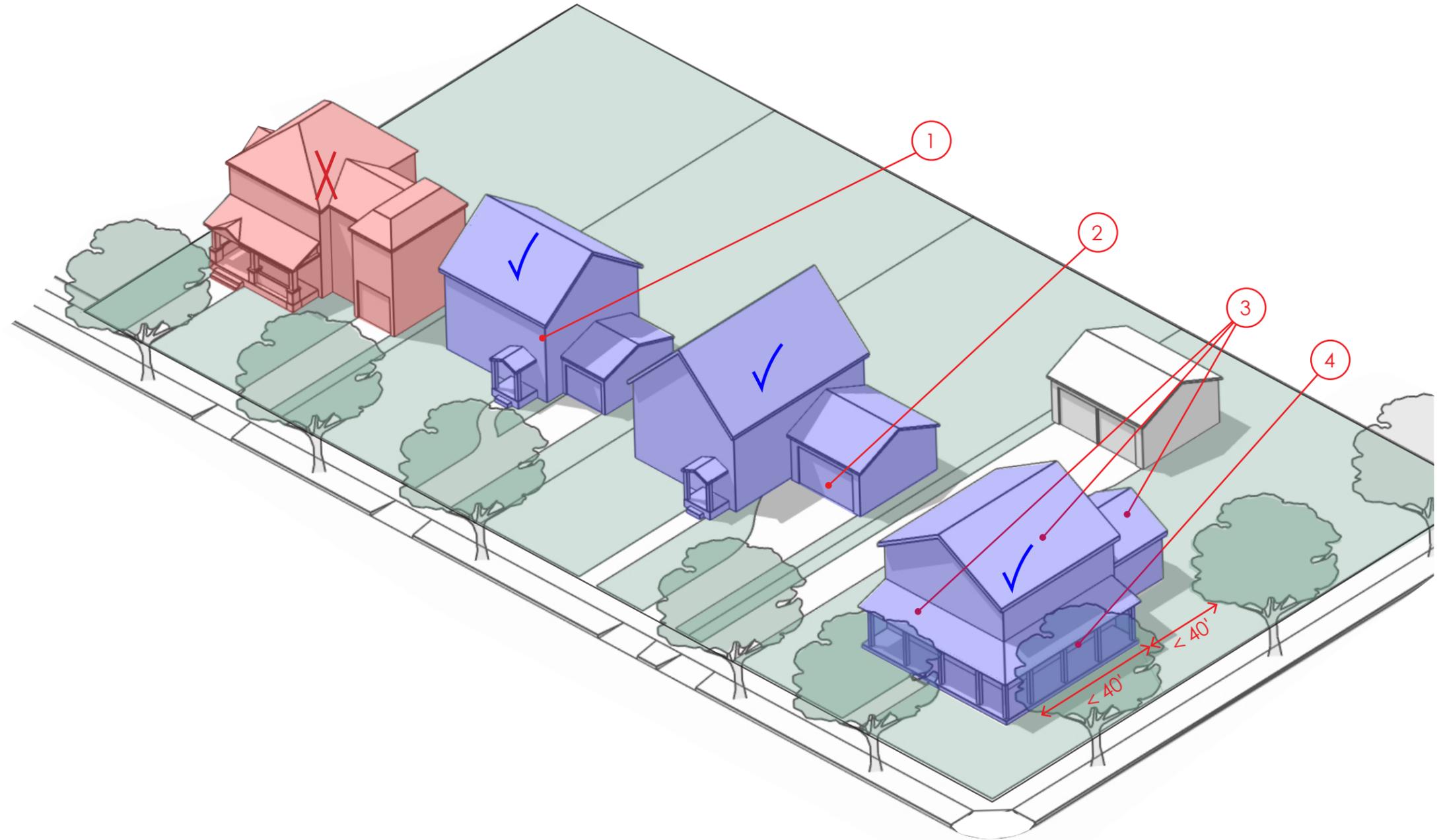


BUILDING MASSING & SCALE (ISSUE 6)

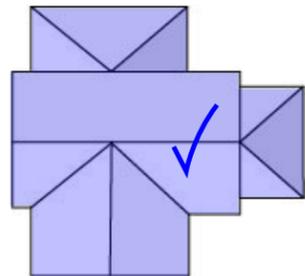
The size of a typical single-family home is larger today than it was in the first half of the 20th century, when many of the homes in East Rockville were built. Finding a balance between flexibility in design, changing preferences in housing size and styles, and respecting established neighborhood character is one of the primary challenges for design guidelines in older neighborhoods.

The massing and scale of new construction can have the greatest impact on neighborhood character. Larger construction should be sensitive to the existing smaller-scaled neighborhood context. Roof lines, massing, windows, and porches, among other treatments, can have a significant impact on the perceived mass of a building.

- 1 Buildings must have simple massing (few Outside Corners), a similar overall height and similar floor-to-floor height.
- 2 Garages must not be in the primary mass of a building. Garages shall be located beside or behind the principal building and if beside, be setback (see also Issue 4).
- 3 Building massing should communicate hierarchy. Larger structures should be distributed into smaller masses to minimize the perceived mass of the building.
- 4 A single plane of a facade must not be greater than 40 ft.
- 5 Using a roof plan as a guide can help keep massing simple. The fewer ridges and valleys and overlapping gables, the simpler the massing.



Complex Roof Plan with many overlapping gables.



Simple Roof Plan



Simple massing (few outside corners)



Garage next to main structure helps break-up mass and transition to adjacent 1-story.



Simple, distributed massing clearly showing the main body of the house.



Overly bulky and undistributed massing with overlapping roof lines.

BUILDING HEIGHT (ISSUE 7)

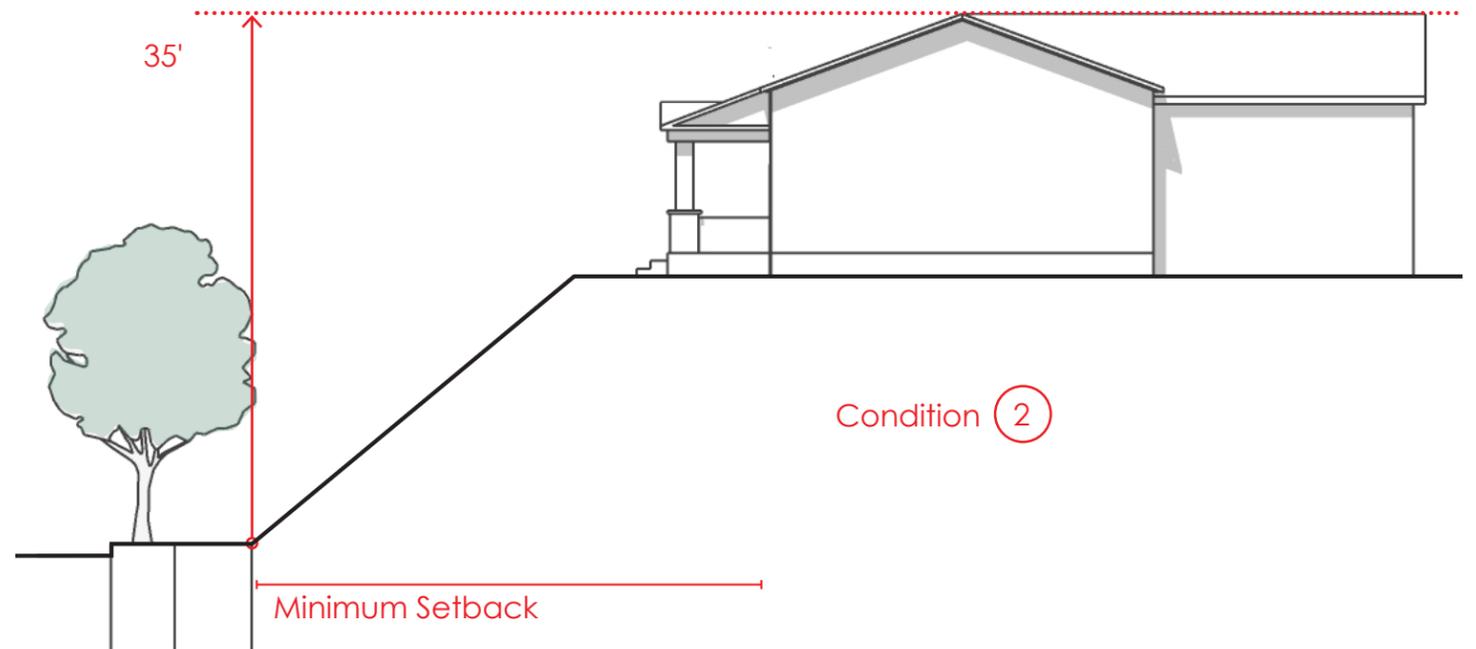
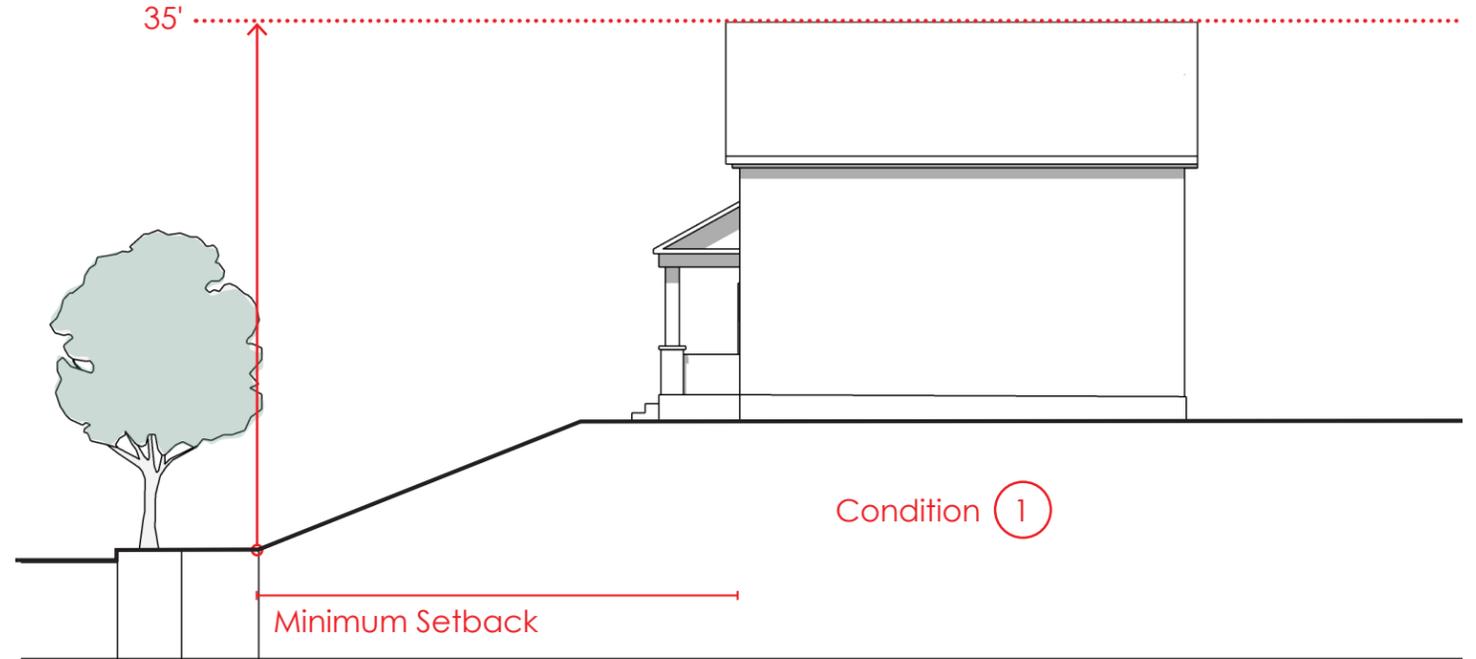
A building's scale is established largely by its height. Relatively consistent building heights establish a certain rhythm to a street. If a building is much taller than its surrounding neighbors it can seem out of place and break the existing rhythm. In older neighborhoods, it is not uncommon for one-story buildings to be replaced with taller, two-story homes.

A building can be larger than adjacent structures and still be in scale and harmonious with the neighborhood. Currently, the city's zoning code measures height to the mid-point of the roof. Measuring to the peak provides greater predictability of final maximum building height.

- 1 Height will be measured from the average grade at the front property line to the peak of the roof.
- 2 On lots where there is a slope that restricts the height to fewer than 2 stories, an exception to maximum height may be granted at the discretion of the Chief of Zoning.
- 3 Buildings will be limited to a maximum height of 35 feet and 2.5 stories.



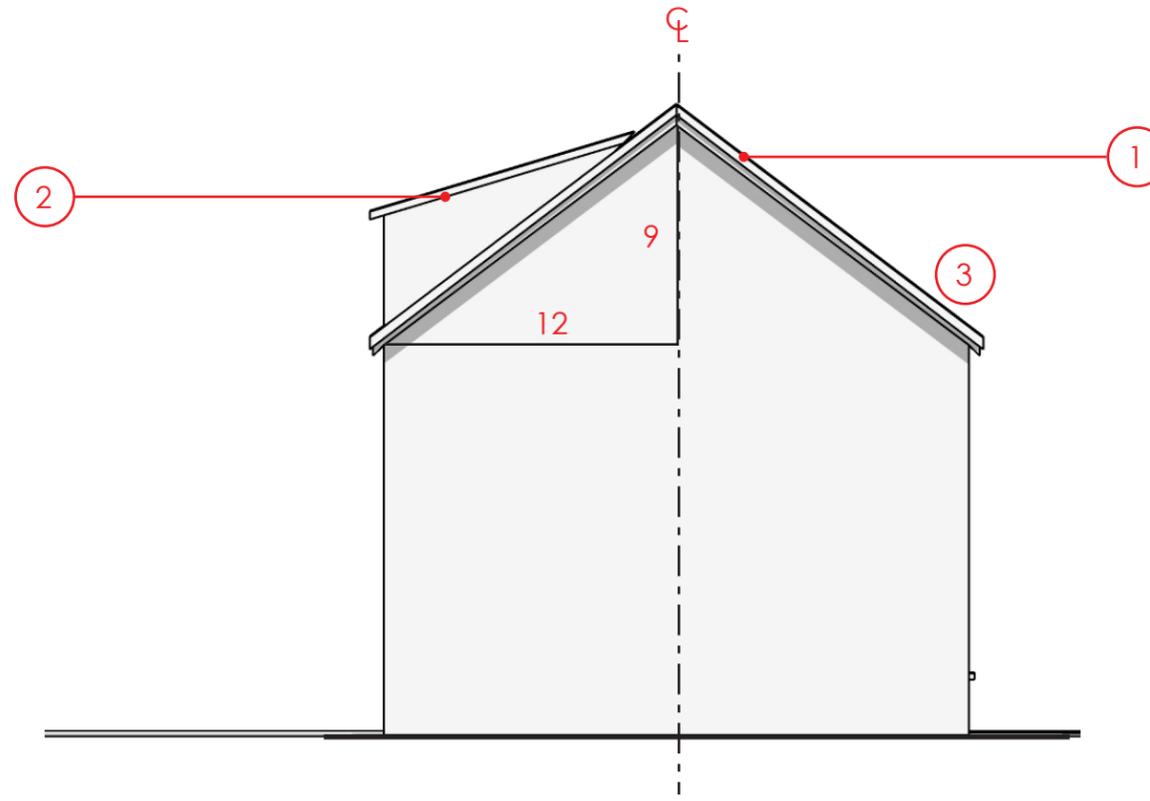
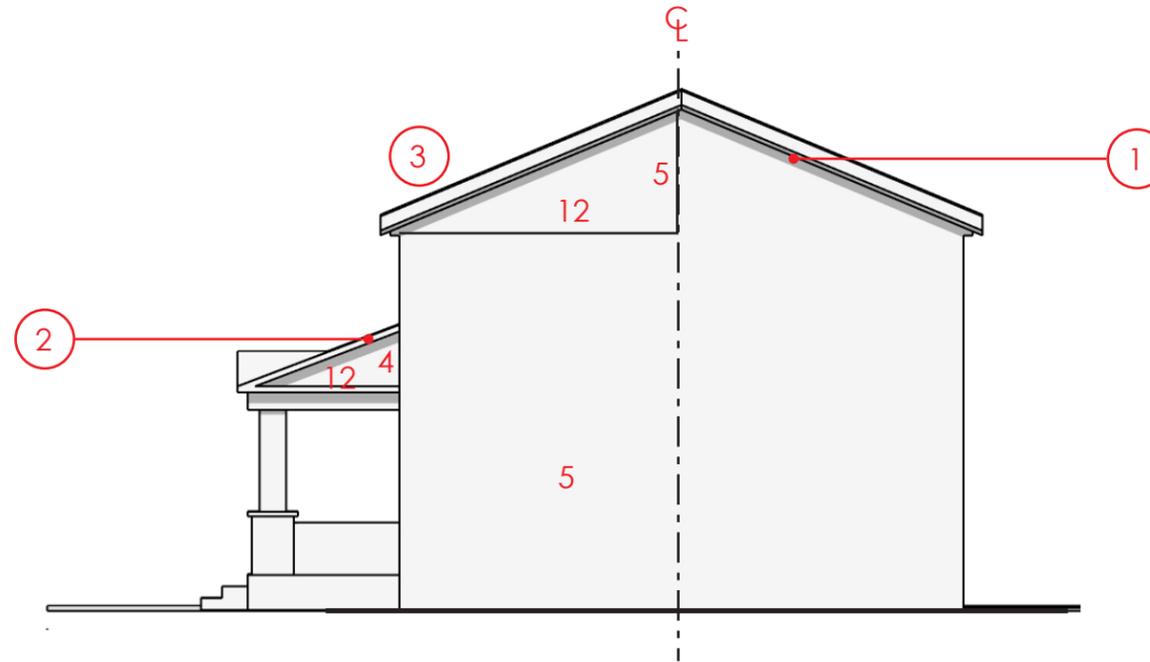
Examples of inconsistent height and mass between new and existing structures.



ROOF PITCH (ISSUE 8)

Pitch is the slope or angle of a roof. The form of a roof can contribute significantly to the mass and proportion of a building. Utilizing a lowered pitch or fewer ridges and valleys (as shown with Issue 6) is another way of reducing the bulk of a structure.

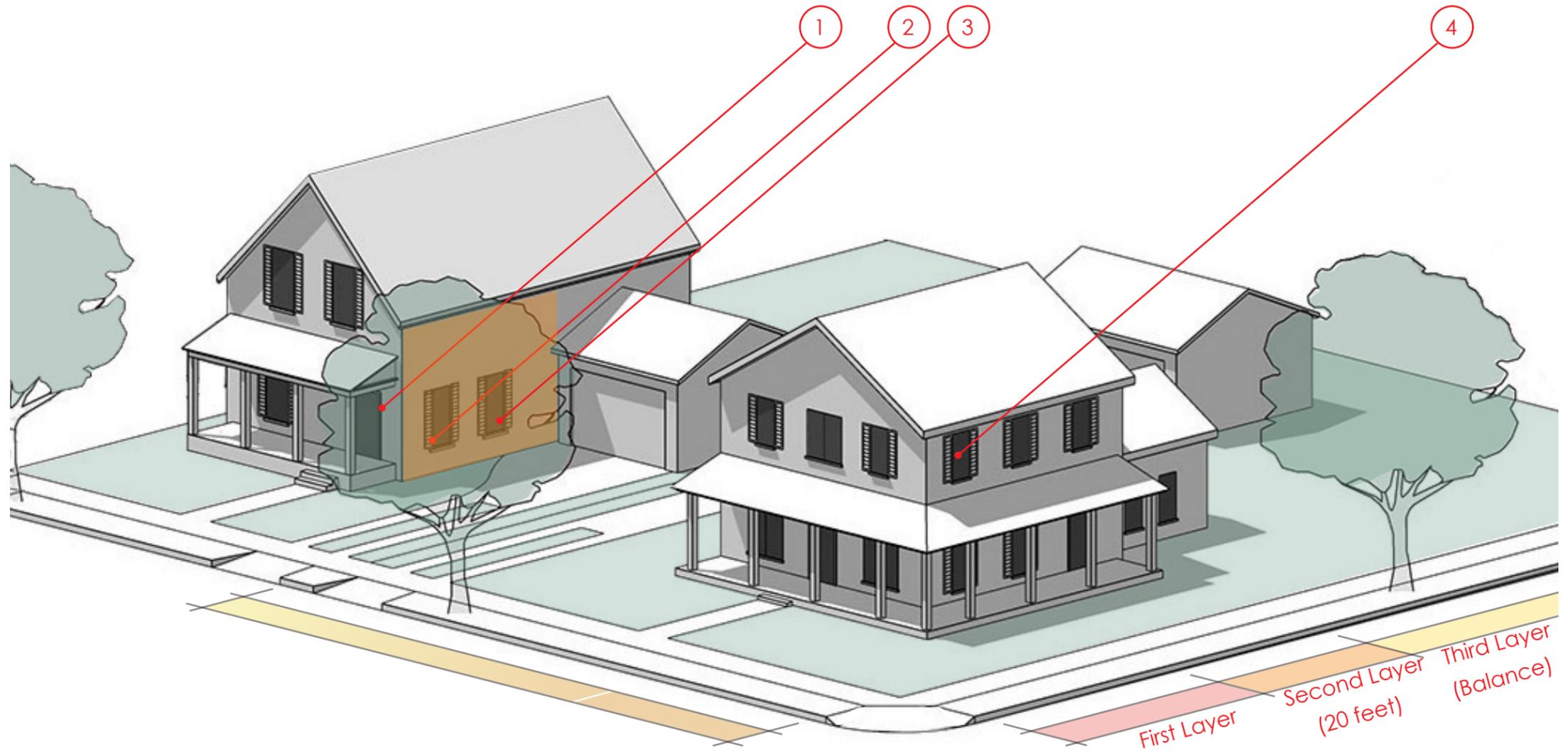
- 1 Pitched roofs must be symmetrically sloped. The slope must be 5:12 to 9:12
- 2 Porch roofs and attached shed roofs must be 2:12 to 4:12.
- 3 Roof pitches must be appropriate to the style of the building.
- 4 The maximum height of buildings with flat or shed roofs will be 30 feet.



BUILDING ARTICULATION (ISSUE 9)

Articulating a building facade means to provide a variation to its surface, such as framed windows, adding a porch, or off-setting a portion of the elevation. Articulation gives texture to exterior walls, and simple treatments can provide architectural interest and break up the bulk of large structures.

- 1 The front of the house and the location of the front door must be clearly visible from the street.
- 2 Side elevations must utilize one or more of the following methods to avoid large, blank walls:
 - Include windows. Windows are required on side walls in the second layer. These windows are required to follow the standards for windows facing frontages.)
 - Horizontal element: In addition to the side windows, houses over 2 stories must utilize a horizontal eave or band on the wall or a change in material (refer to photo).
- 3 Side elevations must include windows consistent with the proportion of the windows on the facade. Several windows on side elevations should be placed within the second lot layer.
- 4 On corner lots, both façades must be similarly designed and detailed and have similar opening proportion, placement, pattern and alignment.
- 5 All building elements must be of a consistent style.



Horizontal band, materials change between stories.



Corner House, articulated both façades.



Consistent window proportion.

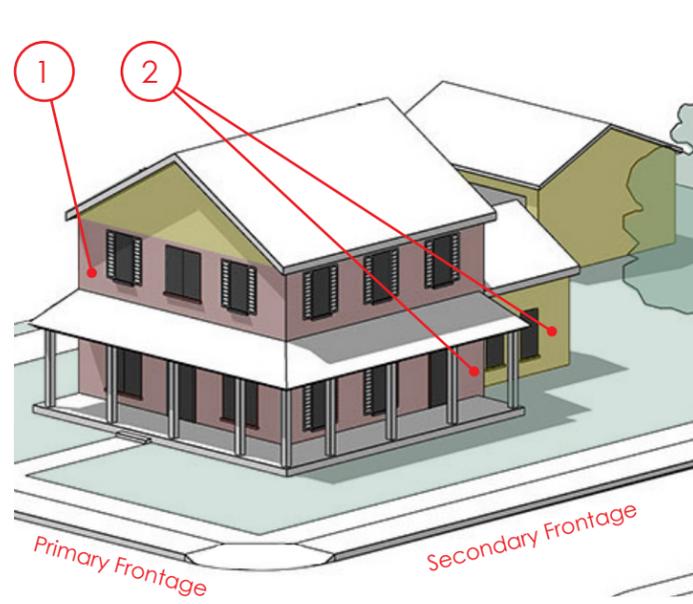


Avoid blank walls on side elevations.

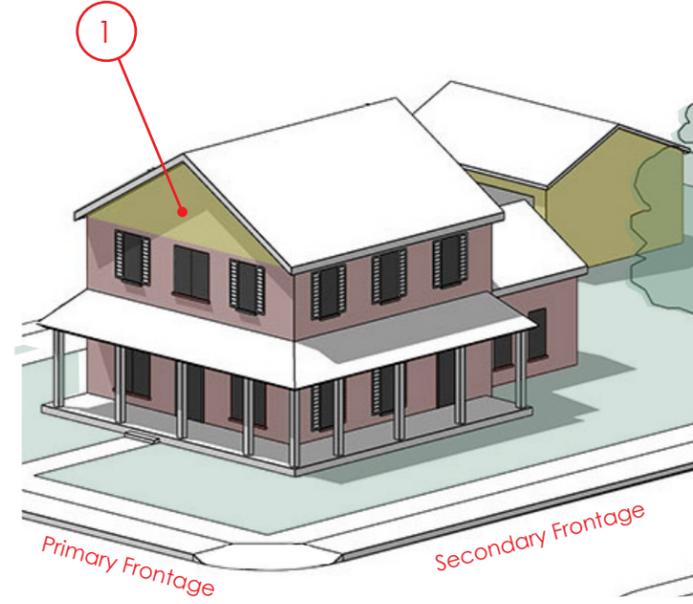
WORKING DRAFT

BUILDING MATERIALS (ISSUE 10)

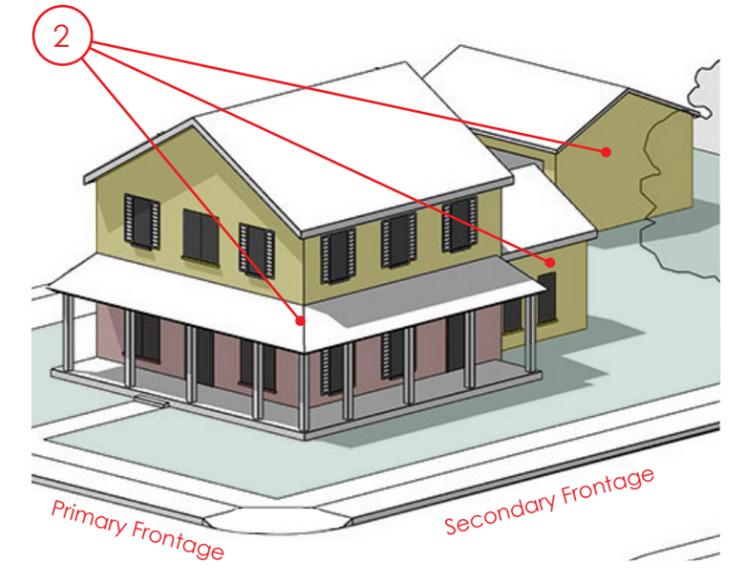
- 1 Gable ends in the Principal Building should be a single material and the material should be of equal or lesser apparent weight than the material of walls below.
- 2 If different materials are to be used on the same house, the materials should differentiate the fundamental parts of the building from one another (e.g. the foundation, building walls and top or the principle building and accessory structures).
- 3 Materials should not change at outside corners (brick front, siding side) as this makes the material appear more like wallpaper than the structure of the building.



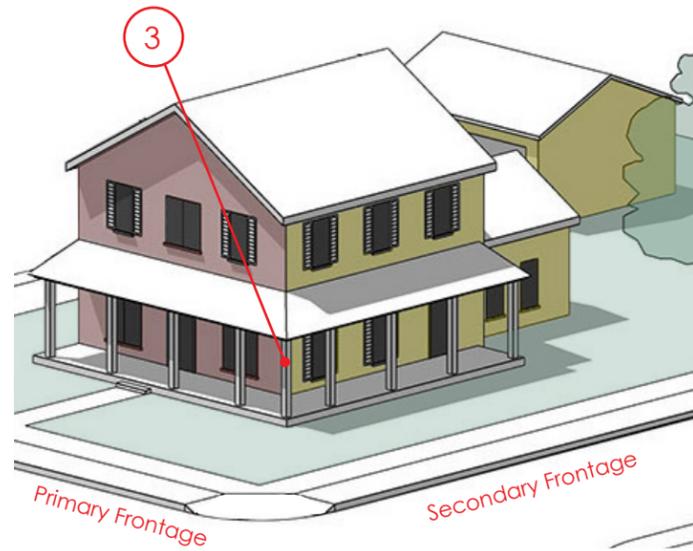
✓ Do: Using one or two materials for the Principal Building and another material for the Backbuilding and Accessory Building is preferred.



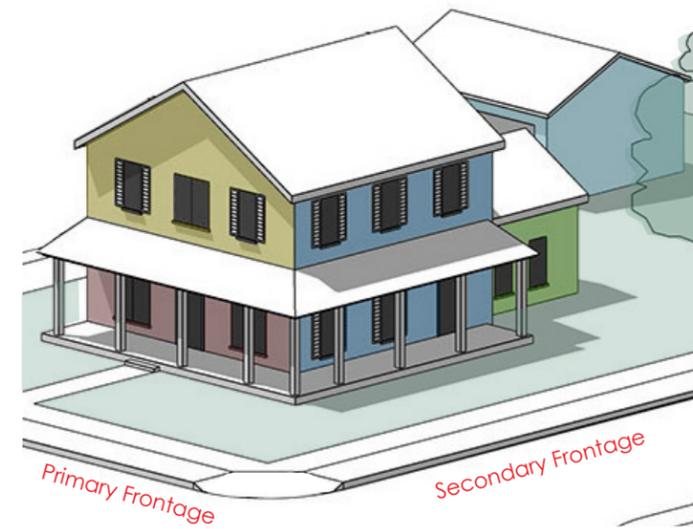
✓ Do: Using one or two materials for the Principal Building and Backbuilding and another material the Accessory Building is preferred.



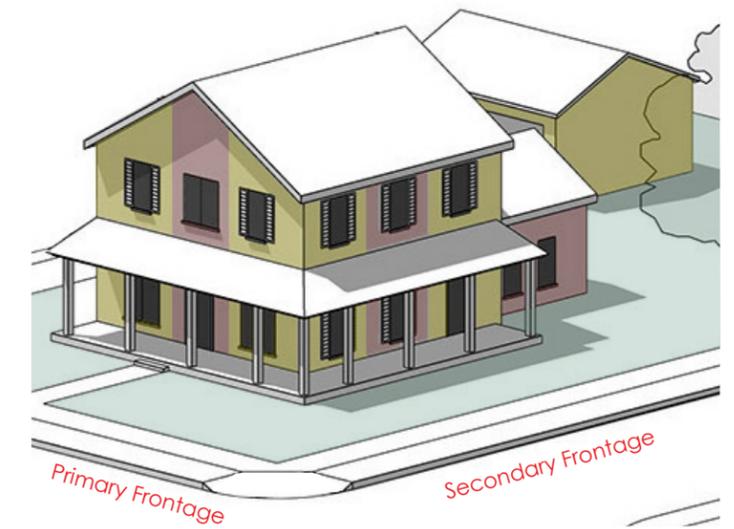
✓ Do: Transitioning between materials between floors is preferred as long as the material on the bottom is the more durable of the two.



✓ Permitted but not preferred: Material transitions around outside corners should be avoided.



✗ Don't: Using more than two materials per Principal Building and one per each Backbuilding and Accessory building is not preferred.

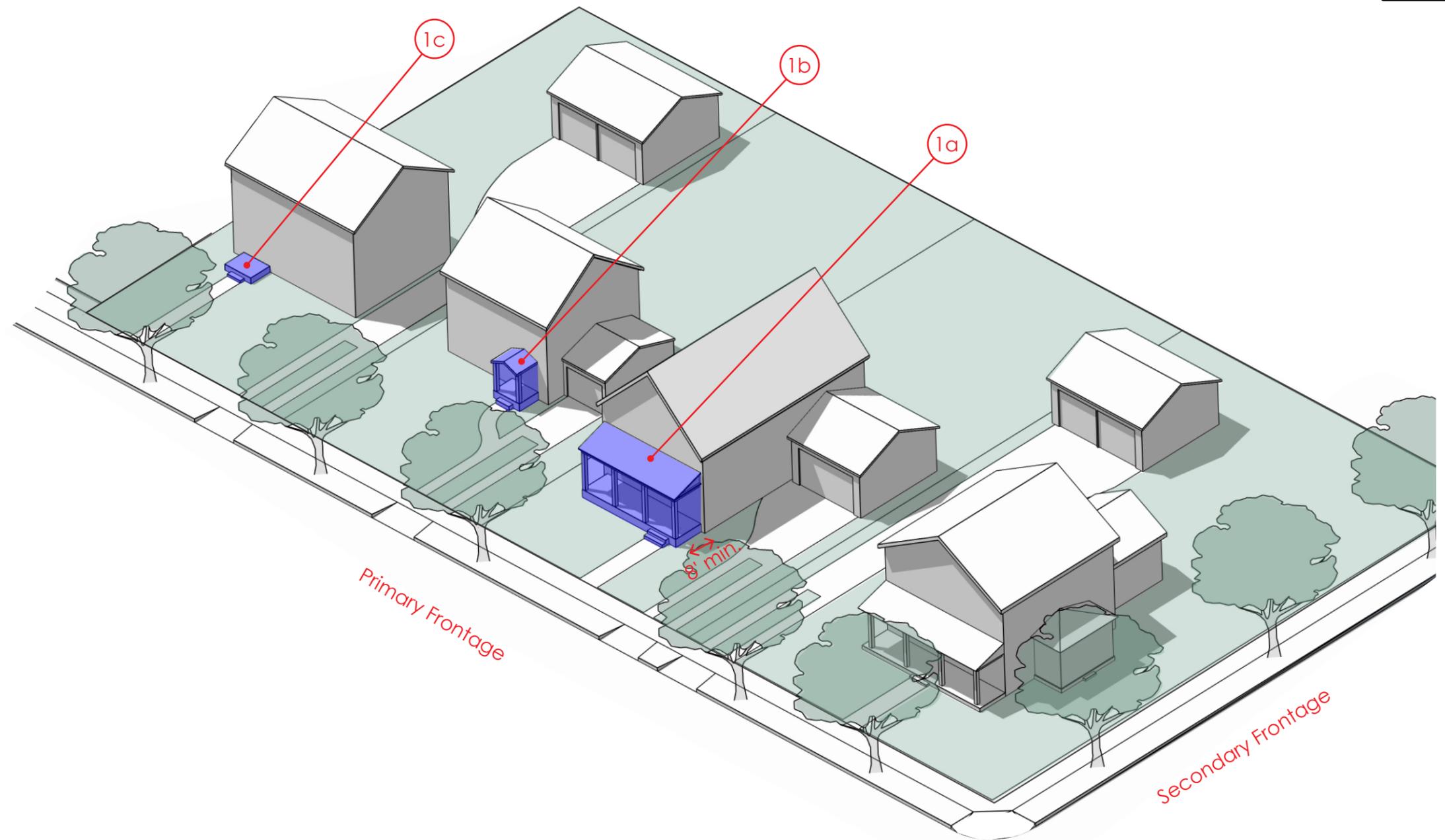


✗ Don't: Single planes should not transition from one material to another along vertical lines.

PORCHES & STOOPS (ISSUE 11)

Porches and stoops add more than just character and interest to a house. They also facilitate community and put more "eyes on the street", as they provide a place for sitting and conversation. Practically, they also provide shelter from the elements, and depending on size, additional living space.

- 1 New principal buildings must include a front porch, stoop or uncovered stoop.
 - 1a Covered, unenclosed porch/stoop.
 - 1b Covered porch/stoop.
 - 1c Uncovered porch/stoop.
- 2 Porches and stoops must be a minimum of 5 feet deep, but 8 feet minimum is preferred.
- 3 Porches of two-story height ceilings are not permitted (see image A below). Two-story porches with two habitable stories are permitted (see image B below). Porch ceilings must be similar to the ceiling height of the story to which they are attached.



One-story porch.



Uncovered stoop.



Covered porch.



A. Two-story porch.



B. Two one-story porches.

A range of topics may be included in the design guidelines for East Rockville. Some of the items may be guidelines (recommendations) and others may be standards (regulatory musts). This exercise is to get a better sense of the neighborhood’s priorities for any future design guidelines or standards for new single-family homes or for substantial additions to existing homes.

Potential Design Guideline Topics

Please the importance of including the following topics in the design guidelines.

<p>A. Building Placement (ex: where the house is placed on the lot/how far from or close to the street)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>B. Building Orientation (ex: where the house has its front)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>C. Building Height</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>D. Lot Coverage (percentage of the lot covered by buildings)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>E. Building Mass and Scale</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>F. Building Articulation (ex: breaking up building mass or blank walls with windows, changes in building materials, varying roof lines, etc.)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>G. Driveways and Garage Placement/Location</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>H. Front Yard Paving (percentage of paving from driveways, porches, walkways)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>I. Porches and Stoops (ex. should new homes have them? certain styles?)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>J. Window and Door Types/Styles (architectural design)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>K. Roof Styles (architectural design)</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>L. Building Material Types</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important
<p>M. Home Additions</p>	<input type="checkbox"/> Very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Not important

N. Other Topics or Comments (back of page may also be used): _____



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Discussion and Instructions
 Department: Human Resources
 Responsible Staff: Karen Marshall

Subject

Comprehensive Review and Revision of the Personnel Policy and Procedures Manual (PPM)

Recommendation

Staff recommends that the Mayor and Council discuss the City Manager's proposed amendments to the Personnel Policy and Procedures Manual (PPM). Per City Code, unless the Mayor and Council instruct staff to modify the proposed amendments, the amended PPM will go into effect on March 26, 2020 (55 days from the January 31, 2020 distribution of the PPM to the Mayor and Council).

Discussion

Over the years, there have been revisions to the PPM. In November 2013 there was a comprehensive review and revision of the PPM to bring it into compliance with current local, state and federal laws; to make it consistent with actual procedures followed by the City and to make stylistic changes. The 2013 effort resulted in the Mayor and Council approving the current PPM. Examples of the changes made during the 2013 effort included, addition of "safe harbor" language to the ADA policy from the Genetic Information Nondiscrimination Act of 2008; reasonable accommodation for pregnancy language was added to the ADA policy, and a workplace violence policy was added, among other modifications.

Recognizing the need for a more current comprehensive review and revision to align with human resources best practices, the Human Resources Department initiated this process in late 2018. Staff from the Human Resources and the City Attorney's Office met fourteen (14) times during 2018 - 2019, to go over each section of the PPM, in an effort to streamline and cross reference various sections to address contradictory information. The outcome of this effort are the revisions provided to the Mayor and Council on January 31, 2020. Proposed amendments to the PPM include clarification regarding the authority of Appointed Officials; increased time for grievance investigations; memorializing the 2018 formal adoption of the Long-Term Disability Program; information about the Maryland Sick and Safe Leave Law; and clarification regarding membership in employee groups. (See attached list for prominent revisions)

Highlights of noteworthy changes are provided here for the Mayor and Council's information. Through the Maryland Healthy Working Families Act (the "Act"), employees who are hired on a seasonal or temporary basis may accrue paid Sick and Safe Leave. Consistent with many organizations, prior to the enactment of this new law, seasonal and temporary employees weren't eligible to accrue sick leave. Additionally, Sick and Safe Leave expands how Sick Leave may be used. In addition to using the leave to care for or treat an employee and/or their family member's illness, Sick and Safe Leave may also be used to deal with issues associated with domestic violence, sexual assault, or stalking committed against the employee or the employee's family member.

Mayor and Council have expressed an interest in the City's Layoff (reduction-in-force) policy. After Mayor and Council received a copy of the draft amendments to the PPM, it was suggested that the City consider changing our terminology from layoff to reduction-in-force. If it is the desire of the Mayor and Council, staff will make this change. Our suggested language for the layoff (reduction-in-force) criteria is "When a layoff (reduction-in-force) has been approved by the Mayor and Council and the affected class or classes of employees has been determined, regular non-AFSCME employees will be selected for layoff based upon the needs of the City. An employee's length of service will be a factor in determining whether or not the employee shall be laid off, but it is not necessarily the determining factor." Most progressive organizations are moving away from traditional layoff (reduction-in-force) policies that primarily focus on seniority, with bumping rights. While seniority is valued, the most critical criteria should be to have a remaining workforce that has the necessary skills and expertise to meet the demands of our growing city. Where there are multiple individuals in the same classification and all individuals have similar skills, seniority can be applied to determine which employee is ultimately laid off.

Proposed layoff (reduction-in-force) plans will require a review by the Human Resources Director and the City Manager. This step is required to ensure that the layoff (reduction-in-force) is truly focused on the needs of the City and to assess for adverse impact on any employee population.

Another policy that has generated attention is the policy regarding which positions qualify to be members of Meet and Confer employee groups. In the proposed PPM, we have better identified which positions we believe should be prohibited from membership in the Association of Administrative Municipal Employees (AAME) or the Fraternal Order of Police (FOP). Membership in the American Federation of State, County, and Municipal Employees (AFSCME) is defined by their collective bargaining agreement.

On December 12, 2019, a draft of the revised PPM was forwarded to AAME, AFSCME, and the FOP. Additionally, senior staff received a copy of the draft PPM. Representatives from the Human Resources Department met with the FOP on January 9, 2020 and with AAME on January 10, 2020. Also, during a senior staff meeting in January, the Human Resources Director discussed with the department heads the major proposed PPM revisions. AFSCME responded

that the union went over the draft policy and procedures manual and didn't find anything about which they had concern.

After receiving suggestions from the employee groups and senior staff, the Human Resources' and City Attorney Office's staff met on January 21, 2020, to go over the suggested revisions; incorporating suggestions that aligned with current laws and the type of policies we believe best meet the needs of the City.

After incorporating some of the suggested revisions, the draft PPM was forwarded to the Mayor and Council on January 31, 2020. This draft PPM has also been forwarded to AAME, AFSCME, FOP, and senior staff.

Mayor and Council History

This is the first time this item is being presented.

Next Steps

If the Mayor and Council direct staff to modify the proposed PPM, staff will incorporate the changes and share an updated version of the Manual with the Mayor and Council. If the Mayor and Council do not identify any modifications, the amended PPM will go into effect on March 26, 2020. It will be shared with City employees, and the Human Resources Department will schedule training sessions with employee groups to review the major components of the revised Manual.

Attachments

- Attachment 13.a: Major Changes in the Proposed PPM 2020 (PDF)
Attachment 13.b: Draft Personnel Policy Manual (PPM) - 1.31.2020 (PDF)



Rob DiSpirito, City Manager

2/19/2020

Prominent proposed revisions to the following sections of the Personnel & Procedures Manual

- Clarification of the authority (autonomy) of Appointed Officials
- Clarification of the number of hours a temporary employee can work in a year
- Revision regarding who can be a member of an employee Meet & Confer Association
- Discrimination and Harassment Section revisions made to be consistent with the City Code
- Increased time to complete grievance investigations from 45 to 60 calendar days
- Pre-dismissal hearings changed to pre-dismissal meeting
- Clarification of the elimination of the sick leave cash out option (at retirement) for employees hired July 1, 2015 or after
- Clarification of the Short-Term Disability Leave Bank
- Added information about the Maryland State Law on Sick and Safe Leave
- Bereavement Leave – included niece and nephew (already have aunt & uncle)
- Clarification of the Workers' Compensation section
- Added information about the Long-Term Disability Program
- Eliminated most of the Political Activities section – the current restrictions are unconstitutional)
- More explanation on Reasonable Suspicion for Alcohol/Drug Screening

Draft Personnel Policy and Procedures Manual

PPP#	Title	Page
01-00	Policy on Personnel	1
<u>02-00</u>	<u>Definitions</u>	1
05-00	Policy on the Establishment and Maintenance of the Personnel Manual	1
05-10	Procedure on the Establishment and Maintenance of the Personnel Manual	1
20-00	Policy on Employment	2
20-10	Procedure to Effect Employment	3
30-00	Policy on Unlawful Discrimination and Harassment	5
30-10	Procedure on Unlawful Discrimination and Harassment	6
35-00	Policy on Accommodation of Disabilities	7
35-10	Procedure on Accommodation of Disabilities	7
40-00	Policy on Performance Evaluations	9
40-10	Procedure on Performance Evaluations	9
50-00	Policy on Labor Unions and Employee Groups	11
50-10	Procedure on Labor Unions and Employee Groups	11
60-00	Policy on Establishing and Reporting Work Hours	13
60-10	Procedure on Establishing and Reporting Working Hours	15
60-20	Procedure on Position Classification and Wage and Salary Administration	16
60-30	Procedure on Overtime	18
70-00	Policy on Teleworking	21
70-10	Procedure on Teleworking	21
75-00	Policy on Discipline and Dismissal	24
75-10	Procedure on Discipline and Dismissal	24
80-00	Policy on Personnel Changes	26
80-04	Procedure on Suspension	27
80-07	Procedure on Dismissal	28
80-10	Procedure on Promotion/Reclassification	31
80-12	Procedure on Demotion/Reclassification	32
80-15	Procedure on Transfers	33
80-18	Procedure on Lay Offs	34
80-40	Procedure for Clearance of Terminating Employees	36

85-00	Policy on Tools and Equipment	37
85-10	Procedure on Tools and Equipment	37
120-00	Policy on Leave	38
120-105	Off-The-Job Injury/Illness Leave	61
123-00	Policy on Health, Welfare and Dental Insurance, Income Protection, Long-Term Disability, and Death <u>Income Protection Benefits, Long-Term Disability, and Death Benefits</u>	64
123-10	Procedure on Health and Welfare <u>Dental Benefits Insurance</u>	64
123-20	Procedure on Income Protection Benefits <u>Income Protection</u>	66
<u>123-30</u>	<u>Procedure on Long-Term Disability Insurance</u>	
<u>123-40</u>	<u>Procedure on Life Insurance</u>	
123-530	Procedure on Death <u>Death Benefits</u>	69
127-00	Policy on Employee Assistance Program	69
127-10	Procedure on Employee Assistance Program	70
130-00	Policy on Retirement	71
130-10	Procedure on Retirement—Regular Employees	71
140-00	Policy on Tuition Reimbursement	74
140-10	Procedure on Tuition Reimbursement	74
150-00	Policy on Professional Development	78
150-10	Procedure on Professional Development	78
160-00	Policy on Grievances	80
160-10	Procedure on Grievances	80
170-00	Policy on Military Furlough	82
170-10	Procedure on Military Furlough	83
180-00	Policy on Employees' Code of Conduct	84
181-00	Policy on Workplace Violence	89
181-10	Procedure on Workplace Violence	90
185-00	Policy on Fraud Prevention and Whistleblower Protection	91
185-10	Procedure on Fraud Prevention and Whistleblower Protection	92
186-00	Policy on Computer and Electronic Communications	93
186-10	Procedure on Computer and Electronic Communications	93
190-00	Policy on Drugs and Alcohol	95
190-10	Procedure on Drugs and Alcohol	96
195-00	Policy on Smoking	100
195-10	Procedure on Smoking	101
200-00	Policy on Vehicle Safety Review	102

200-10	Procedure on Vehicle Safety Review	102
203-00	Policy on Driver's License Check and Flagging Program	104
203-10	Procedure on Driver's License Check and Flagging Program	104
205-00	Policy on Reporting Incidents Involving Property Loss or Personal Injury	107
205-10	Procedure on Reporting Incidents Involving Property Loss or Personal Injury	108

PPP # 01-00 Policy on Personnel

PURPOSE

All policies governing the operation of programs for the City of Rockville are designed to contribute to the fulfillment of the principal purpose of the City's mission: the provision to its citizens of services defined by the City Manager through the Departments of ~~Community Planning and Development Services~~Planning and Development Services, Finance, Information and Technology, Human Resources, Police, Public Works, and Recreation and Parks.

Those services include but are not limited to youth, senior and community social services; human rights and community mediation; accounting, revenue management, purchasing, data processing and budgeting; community planning and development; building licensing and inspection; code enforcement; planning and zoning; community, senior and youth recreation; City property and civic center; facilities and grounds; employment and complete personnel services; police, security, and safety programs; media communications, information and technology administration and management; traffic, water, refuse, sanitation, and sewage management.

In addition to these services provided by the City, the City has a City Attorney's Office which provides legal support to the City including the Mayor and Council, the City's Boards and Commissions and City staff and the City Clerk/Director of Council Operations' (DCO) Office conducts the City's elections and provides administrative support to the Mayor and Council and certain Boards and Commissions.

SCOPE

Personnel Policies and Procedures apply to all City employees except as otherwise noted herein and as provided for in the contracts for the City Manager, City Clerk/DCO, and City Attorney, and other contract employees ~~unless otherwise noted. employees, unless otherwise noted.~~

PRINCIPLES

The Personnel Policies of the City of Rockville are derived from the ~~Laws of~~ Rockville City Code and are planned to advance the service of the City, to define the respective rights of, and restrictions applying to employees, and to give full consideration to the interests, morale, and welfare of its employees. Employees who are dedicated and committed to their mutual responsibility in carrying out these programs in Rockville are one of the City's most valuable assets. The personnel practices of the City are governed by these written policies and procedures.

It is intended that employment of personnel be based on merit. ~~It is intended that the employment of personnel and all actions affecting employees be based on merit.~~

Federal, state, and local laws govern the application of, and in the event of a conflict will supersede, these policies. Such laws include, but are not limited to, those governing hours of work, wages, employment discrimination, workplace harassment, benefits, leave, disability, and safety. The State of Maryland's Law Enforcement Officers' Bill of Rights (LEOBR) governs the application of discipline as it relates to sworn police officers. Sworn police officers in the Rockville City Police Department are governed by their General Orders. Additionally, other employees within the Rockville City Police Department may be governed by the General Orders, if applicable.

PPP # 02-00 Definitions

- (1) Charter Appointed Official – In accordance with the City Charter there are three (3) Charter Appointed Officials, who are appointed by the Mayor and Council. They are the City Manager, City Attorney, and City Clerk/DCO. Employees in the City Attorney's Office report directly or indirectly to the City Attorney. Employees in the City Clerk/DCO's Office report directly or indirectly to the City Clerk/DCO. All other employees in the City report directly or indirectly to the City Manager. When the term "Charter Appointed Official" is used in the Personnel Policies and Procedures Manual it refers to either the City Manager, City Attorney or City Clerk/DCO depending on whether the affected employees report directly or indirectly to the City Manager, City Attorney or the City Clerk/DCO, respectively.

- (2) **Department Head** -These positions are the Executive Appointees who are responsible for the following departments: ~~Community Planning and Development Services~~ Planning and Development Services, Finance, Recreation and Parks, Information Technology, Public Works, Police, and Human Resources.

PPP # 05-00**Policy on the Establishment and Maintenance of the Personnel Manual****PURPOSE**

This Policy establishes the rules for creating, amending, revising, and adopting those policies and procedures relative to personnel operations for the City of Rockville.

This Personnel Manual is not intended to be an expressed or implied contract of employment or a guarantee of employment for any specific period of time.

PRINCIPLES

Policies and procedures relative to personnel operations shall be developed and maintained as part of a manual by the Human Resources Director in accordance with applicable laws. However, all such policies and procedures must be approved by the City Manager and the Mayor and Council.

PPP # 05-10**Procedure on the Establishment and Maintenance of the Personnel Manual, Definition of "Appointed Official"****PURPOSE**

This Procedure implements the Policy on the Establishment and Maintenance of the Personnel Manual (PPP #05-00).

GENERAL RULES

1. The Human Resources Director will review all Policies and Procedures and ensure that they are in accord with applicable federal, state and local laws. This review will also include ensuring that such Policies and Procedures are written clearly and ensure the most efficient and effective operations relative to Human Resources.
2. When appropriate, the Human Resources Director will propose changes, additions, and deletions to the Personnel Manual to the City Manager.
3. The City Manager will review the proposals of the Human Resources Director. If the City Manager concurs with the proposed changes, the City Manager will submit the Policy and Procedure to the Mayor and Council for approval. The approval by the Mayor and Council will constitute adoption of that proposal as the new policy and/or procedure which will at such time as designated by the City Manager, be followed.
4. The Human Resources Director will ensure that the newly adopted policy is distributed and appropriately explained to all supervisory staff. The Human Resources Director will determine how to communicate changes affecting the general employee population.

DEFINITION OF "APPOINTED OFFICIAL"

~~There are three (3) appointed officials: Charter Appointed Officials in the City. They are the City Manager, City Attorney, and the City Clerk/DCO. Employees in the City Attorney's Office report directly or indirectly to the City Attorney. Employees in the City Clerk/DCO's Office report directly or indirectly to the City Clerk/DCO. All other employees in the City report directly or indirectly to the City Manager. When the term "Appointed Official" is used in the Personnel Policies and Procedures Manual it refers to either the City Manager, City Attorney or City Clerk/DCO depending on whether the affected employees report directly or indirectly to the City Manager, the City Attorney or the City Clerk/DCO, respectively.~~

PPP # 20-00 Policy on Employment

PURPOSE

This Policy establishes rules for employment with the City of Rockville.

PRINCIPLES

The term "employment" as used in this Policy means the appointment, after suitable selection processes, of an applicant to any full or part-time position, be it regular, temporary, seasonal, provisional or contractual.

Position Status Summaries

1. Temporary Employees:

An applicant may be appointed to a temporary position when there is a need for an employee for a specific time period or task. ~~Temporary employees are limited to working a maximum of fewer less than thirty (30) hours per week and are prohibited from working 1,560 or more hours in a twelve (12) month period. Temporary appointments are typically limited to six (6) months or less, but may be extended for no more than an additional six (6) months one year, with the approval of the Appointed Official. Temporary appointments usually are for six months or less; however, such appointments may be extended with the approval of the City Manager.~~ If temporary employees become regular employees, their date of employment for calculating all leave and benefits will be the first day of their regular employment.

Temporary employees are not entitled to any leave or benefits afforded to regular employees and are not in the City's merit system.

2. Regular Employees:

Regular employees are employees hired in positions that are funded and expected to be continued on a full-time (40 or 37 1/2 hours per week), year-round basis. Employees in this category are entitled to benefits in accordance with the City policies and the terms of the benefit plans. Regular employees must become members of the City's retirement plan upon appointment. Regular employees are in the City's merit system and are also referred to as benefit-eligible employees.

Regular employees who are routinely scheduled to work less than a 40 or 37 1/2-hour schedule are classified as part-time regular employees. They are eligible for all benefits on a prorated basis and have all the rights of regular full-time employees, provided they work a minimum of 20 hours per week.

3. Contract Employees:

~~Based upon budgetary and/or operational needs, the City Appointed Officials Charter -Appointed Officials may hire senior-management employees in approved contractual positions. Salary and eligibility for salary increases and fringe benefits will be governed by the terms of the individual contracts. These positions serve at the pleasure of the Charter Appointed Official. The Human Resources Director will recommend salary and fringe benefits, and recommended to the City Manager and/or the Mayor and Council, by the Human Resources Director, based on a salary survey and comparison to similar positions within the appropriate job market. Such contractual appointments are restricted to Department Director Assistant City Manager classes. The City Manager may request other positions to be contractual as needed to serve the best interest of the City. However, Only the Mayor and Council may approve, by resolution, the creation of contractual positions.~~

4. ~~Charter Appointed Officials~~ Charter -Appointed Officials Positions:

The ~~appointed positions of Charter Appointed Officials~~ Charter Appointed Officials are the City Clerk/DCO, City Manager, and City Attorney ~~who shall~~ serve at the pleasure of the Mayor and Council.

~~(Reviewing this again: Executive Appointees vs. Contract employees — this may be confusing)~~

PPP # 20-10 Procedure to Effect Employment

PURPOSE

This Procedure implements the Policy on Employment (PPP# 20-00).

GENERAL RULES

Filling a Position Vacancy

1. No requisition for positions~~appointment~~ will be made until a position has been properly funded, established, classified, and assigned a pay grade, hourly or flat rate.
2. Only applicants who meet the minimum qualifications, as set forth in approved class specifications, will be certified for inclusion on the eligibility list.
3. Notices of all position vacancies to be filled will be given through the issuance of Recruitment Announcements by the Human Resources Department. Such announcements will state whether the positions are to be filled on an open competitive basis (open to all qualified applicants from any source) or on an internal only~~promotional~~ basis (restricted to non-initial probationary employees of the City of Rockville).
4. All vacancies will be posted ~~internally~~ for a minimum of ten (10) working days ~~for represented and non-represented classes. Upon request of the Appointed Official or Department Director concerned, a determination as to whether a position is to be advertised on a promotional or open competitive basis will be made by the Human Resources Director. Should a position be advertised on an open competitive basis, it will be posted as such for a minimum of ten (10) working days. Internal postings and advertising time periods may run concurrently.~~ No persons shall receive preference for a position by virtue of their employment status with the City, political affiliation, or any ~~other~~ reason prohibited by law.
5. ~~Eligibility lists created through the open competitive selection process and the promotional selection process will expire twelve (12) months after selection has been made to fill the vacancy for which the list was created. All lists may be extended by request from the Appointed Official or Department Director may request, in writing, that the recruitment be continued. Based on the availability of qualified applicants, the Human Resources Director will review and either approve or disapprove this request.~~
- 6.5. Appointments Employees will normally be hired at the minimum compensation up to 10% above the minimum for the class unless the Charter Appointed Official or Department Director ~~Department Head~~ requests hiring above 10% above the minimum compensation. Such a request may be made when there is a shortage of qualified applicants, or if an available applicant has substantially greater qualifications than the minimum required for the class, and such qualifications are beneficial to the City. Such a request must be made in writing, stating the justification, and is subject to concurrence by the Human Resources Director. The Charter Appointed Official's City Manager's approval is required for compensation higher than 10% above the minimum for positions directly or indirectly reporting to the Charter Appointed Official City Manager. and approval by the City Manager.

Probationary Periods

Probationary periods are an established period of time during which regular employees' performance is closely reviewed to determine their ability to perform the requirements of their job.

Reviews

Reviews are conducted by the immediate supervisor and; the Charter Appointed Official or Department Director ~~Department Head~~, ~~and the Human Resources Director~~. If the Charter Appointed Official or Department Director ~~Department Head~~ ~~Human Resources Director~~ determines that the performance of a probationary employee is

not satisfactory, the employee may be released from the position with the concurrence of the Human Resources Director. The Charter Appointed Official's City Manager's approval is required for terminations of employees directly or indirectly reporting to the Charter Appointed Official. ~~City Manager approval from the City Manager.~~

Original Appointments Initial Hire

~~Unless otherwise specified, All appointees to positions from eligibility lists created through the open competitive process~~ employees are subject to an initial one-year probationary period. ~~In exceptional Probationary~~ circumstances, probationary periods may be extended upon the recommendation of the immediate supervisor with the concurrence of the Human Resources Director, Department Head, ~~and the approval of the appropriate~~ Charter-Appointed Official.

~~Persons appointed to regular, non union represented positions shall serve an initial one-year probationary period. Where training is required to perform in a position, the initial probationary appointment will extend one year after completion of this training.~~

Persons appointed to regular ~~u~~Union-represented ~~employees~~ positions shall serve an initial probationary period in accordance with the terms of their collective bargaining agreement.

Consideration for Other Vacancies

Initial probationary ~~appointees employees~~ may be considered for other City vacancies announced on an open competitive basis, ~~but Initial probationary employees may not apply for positions posted as internal only opportunities until~~ Upon successful completion of the initial probationary period, ~~an appointee is granted regular employee status in the Civil Service and may then apply for positions posted as promotional announcements.~~ Probationary employees who apply for other City vacancies shall serve at least the length of their initial probation, in addition to any promotional probation. These probationary periods may be served concurrently. ~~In no instance shall an employee receive a salary increment until both the initial and promotional probation have been completed.~~

Leave

Initial P probationary ~~appointees employees~~ into non-union represented positions may use ~~annual~~ leave with appropriate approval. However, employees forfeit accrued but unused annual leave if they separate from service for any reason during their ~~first six months of employment~~ initial probationary period.

~~Employees on probation will have their probation extended one day for every day of leave without pay used during the term of probation.~~

~~Initial probationary~~ Initial probationary ~~appointees employees~~ in union-represented positions may use annual leave in accordance with the terms of their collective bargaining agreement.

Employees on probation will have their probation extended one day for every day of leave without pay used during the term of probation.

Promotions and Reclassifications

All regular employees ~~selected from an eligibility list created through the open competitive or promotional process, and~~ who are promoted ~~or assigned a new classification through such selection~~ will be subject to a six-month probationary period ~~when promoted or assigned~~.

Employees ~~may be terminated removed~~ for unsatisfactory performance during ~~a promotion~~ this probationary period, ~~shall be returned to their previous position or another suitable position in the same class in which they previously served and completed a satisfactory probationary period, if such a position is available. Should such a position be unavailable, the employee will be dismissed. Individuals may continue to apply for positions in any class. However, persons who have successfully completed a probationary period in a specific class and are re-employed within one year of their dismissal may be reinstated to their former class and grade and credited with prior service to the City, excluding the time not in City service, for seniority purposes only with concurrence of the Human Resources Director and approval of the Appointed Official~~ City Manager. In accordance with terms of the pension plan, all prior credited service with respect to the pension plan will be lost. Those persons returning after one year will start as new employees. Those persons returning in another

~~class will serve the required probation. (Odd to have re-employment, within one year, under promotions—take out since it's covered later in the PPM)~~

Employee Records

Maintenance of Records

The Human Resources Department will maintain records on every regular or contract benefit-eligible employee which will include, but not be limited to, employment applications, salary history records, performance appraisals, copies of all personnel status changes (promotions, transfers, salary increments, etc.), benefit elections, ~~applications (already said employment applications, is this referencing some other form of application?)~~, recommendations, disciplinary actions, awards, certificates of training, current employee contact information, etc.

The Human Resources Department will maintain records on temporary ~~employees and seasonal employees~~ which may include, but not be limited to, employment applications, records of pay, ~~benefit election forms (previously stated that temporary employees are not entitled to benefits—then why would benefit election forms be in their personnel file?)~~, employment status, contact information, etc.

The Human Resources Department will maintain separate and confidential files for workers' compensation claims and medical files.

The Human Resources Department will also maintain records of employee/applicant fingerprint applications and results, and recruiting, training, safety, and other data required by federal, state, or local law.

Review of Records

Employees may review their personnel records in the Human Resources Department by appointment. Employees are not permitted to remove any documents from their personnel records, however, Copies of any documents will be provided to employees upon request.

Supervisors may review their employees' general personnel files. Medical records may be reviewed by the Human Resources Director or designee for determination of eligibility for benefits and other employment-related reasons.

PPP # 30-00 Policy on Unlawful Discrimination and Harassment

PURPOSE

The City of Rockville has a policy of non-discrimination and is fully committed to the principles of equality in employment and opportunity for all employees. The City believes that its objectives can best be attained by utilizing its personnel to the fullest extent possible, without discrimination based upon characteristics unrelated to performance. The City expects all employees to adhere to these principles.

PRINCIPLES

Unlawful Discrimination and Harassment

All personnel actions, including, but not limited to, recruitment and hiring, working conditions, benefits and compensation, training, performance appraisals, promotion, transfer, discipline and dismissal shall be administered without regard to age, ancestry, color, religion, disability, genetics, pregnancy, veteran status, marital status, national origin, race, ethnicity, sex, or sexual orientation, gender identity or expression, disability, or any other legally protected characteristic.

~~race, color, religion, gender, national origin, age, physical or mental disability, marital status, domestic partnership, veteran status, pregnancy, sexual orientation, genetic information, or any other legally protected characteristic.~~ Decisions in these and other areas are job related and are based upon individual merit, skill, ability to perform the job, performance ratings, length of service, satisfactory attendance, conduct, ~~attitude~~ behavior, productivity, quality of work and other work-related criteria.

The City insists that all of its employees be allowed to do their jobs in a workplace free from unlawful discrimination and harassment. To ensure that this policy is observed, employees are to immediately notify any member of the management team including a supervisor, ~~Department Director~~ Department Head and/or the Human Resources Department if he or she feels that they have experienced or witnessed any unlawful discrimination or harassment in accordance with the Procedure on Unlawful Discrimination and Harassment (PPP# 30-10). An investigation of an employee's complaint will be conducted as expeditiously as practicable. If a violation of this Policy is found, effective remedial action, including disciplinary action, up to and including dismissal, will be taken.

Retaliation

The City forbids retaliation against: (1) any employee who reports unlawful discrimination or harassment, and (2) any employee who participates in an investigation of a complaint of unlawful discrimination or harassment. Any employee bringing a complaint or providing information for an investigation under this policy will not be subject to adverse employment consequences based upon such involvement. Retaliation is strictly prohibited under this policy and any employee found to have retaliated against another employee in violation of this policy will be subject to disciplinary action, up to and including dismissal.

False Accusations and Information

Any employee who knowingly makes a false accusation of unlawful discrimination or harassment, or who knowingly provides false information in the course of an investigation of a complaint, may be subject to disciplinary action, up to and including dismissal.

Confidentiality

All complaints and investigations will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved; however, confidentiality cannot be guaranteed. Written findings and conclusions regarding the complaint as well as disciplinary actions will be confidential to the extent provided by law.

PPP # 30-10 Procedure on Unlawful Discrimination and Harassment

PURPOSE

This Procedure implements the Policy on Unlawful Discrimination and Harassment (PPP# 30-00).

GENERAL RULES

Reporting a Complaint

1. Any employee who believes that he or she has been subjected to employment discrimination or harassment in violation of this Policy may report the alleged discrimination or harassment to any member of the management team including, but not limited to, his or her supervisor, ~~Department Director~~ Department Head, any member of the Human Resources staff, or any appropriate County, State or Federal enforcement agency.
2. Complaints should be reported as soon as possible after the event(s) giving rise to the complaint. When the report is being made to the City, the initial report can be oral or written. In the case of an oral report, the Human Resources staff ~~City official~~ conducting the intake of the report will gather the pertinent information regarding the allegation and prepare a written statement constituting the complaint for the approval and signature of the complainant.
3. Human Resources staff or other City staff as appropriate will initiate an investigation into the event(s) giving rise to the complaint as soon as possible after the receipt of the complaint. The investigation will include an interview with the person(s) who allegedly engaged in the discrimination or harassment and may include interviews with witnesses and other staff as necessary. Investigations will be conducted without delay and will conclude within a reasonable time.
4. The Human Resources Director or other appropriate staff shall draft written findings and conclusions

regarding the complaint. If the complaint is found to have merit, immediate steps will be taken to end the discrimination or harassment and appropriate disciplinary steps shall be taken. Disciplinary action may include dismissal. The entire investigation process should not exceed 6045 calendar days from report of complaint to conclusion, provided there are no extenuating circumstances.

PPP # 35-00

Policy on Accommodation of Disabilities

PURPOSE

The purpose of this Policy is to reinforce the City's commitment to compliance with the Americans with Disabilities Act as amended ("ADA"), as well as applicable state and local disability discrimination laws.

PRINCIPLES

The City is committed to complying with the ADA, as well as applicable state and local disability discrimination laws. It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or record of a disability. Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, so long as that individual can perform the essential functions of the job and provided that such accommodation does not constitute an undue hardship on the City.

The City encourages individuals with disabilities to come forward and promptly request reasonable accommodations.

An employee or job applicant who has questions regarding this Policy should contact the Human Resources Department.

PPP # 35-10

Procedure on Accommodation of Disabilities

PURPOSE

The purpose of this Procedure is to implement the Policy on Accommodation of Disabilities (PPP# 35-00).

GENERAL RULES

Requesting an Accommodation

1. An employee or job applicant who has a disability and believes that he or she needs a reasonable accommodation to perform the essential functions of his or her job should contact the Human Resources Department with a request for accommodation. (Forms are available as a convenience but are not required.) Pertinent medical information may be needed to determine the appropriate accommodation.
2. The City is not required to make the "best possible" accommodation, to grant the accommodation requested, to reallocate essential job functions, or to provide personal use items such as eyeglasses, hearing aids, or wheelchairs.
3. Upon receipt of an accommodation request and medical documentation, as appropriate, a member of the Human Resources Department and pertinent staff will begin an interactive process of determining whether the individual's disability can be accommodated. They will meet with the individual to discuss and identify the limitations resulting from the disability and the potential accommodation(s) that the City might be able to make to help overcome those limitations. The City will then determine the feasibility of the proposed accommodation(s) by considering various factors, including but not limited to, the nature and cost of the accommodation, the City's overall financial resources, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

4. If it is determined that, on a permanent or long-term basis, an employee will be unable to perform some or all of ~~the essential~~ the essential functions of his or her position, with or without an accommodation, the employee is no longer a "qualified employee" under the ADA and this Policy would not apply.

Non-disclosure of Genetic Information

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law.

To comply with this law, employees should not provide any genetic information when responding to a request for medical information made in connection with a request for an accommodation, including any leave of absence.

"Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Reasonable Accommodation Due to Pregnancy

Under Maryland law, pregnant employees are entitled to a reasonable accommodation for a disability caused or contributed to by pregnancy. If an employee provides to the Human Resources Director or designee certification from a health care provider as to restrictions on their ability to perform their job while the employee is pregnant, the City will explore with the employee all possible means of providing a reasonable accommodation, which may include, but not be limited to:

- o changing the employee's job duties
- o changing the employee's work hours
- o relocating the employee's work area
- o providing the employee with mechanical or electrical aids
- o transferring the employee to a less strenuous or less hazardous position, or
- o providing the employee with leave

The City is not required to make any accommodation for a pregnant employee that imposes an undue hardship on the City.

If an employee has any questions or concerns, he or she should contact Human Resources.

Appeals and Other Processes

1. If the accommodation request is denied, the individual will be advised of his or her right to appeal the decision to the Charter Appointed Official ~~City Manager~~ by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.
2. An employee who believes that he or she has been discriminated against based on a disability should follow the Policy and Procedure on Unlawful Discrimination and Harassment (PPP# 30-00 & PPP# 30-10).
3. ~~The City encourages any job applicant who believes that he or she has been discriminated against based on a disability to bring it the matter to the attention of the Human Resources Director.~~

PPP # 40-00 Policy on Performance Evaluations

PURPOSE

This Policy establishes basic rules to ensure that employee performance will be regularly and properly evaluated.

PRINCIPLES

The completion of an Employee Performance ~~Planning and~~ Evaluation Form and its review with the employee represent the culmination of an ongoing review process.

Performance evaluations are used to indicate how well an employee has carried out the duties of the job within a specific period of time. The evaluation process enables the rating supervisor and employee to review and define performance goals; specify work objectives and priorities; communicate performance expectations; assess training and development needs; and to resolve any questions regarding the duties of the position.

Any performance concerns should be communicated to the employee as soon as possible to afford the employee the opportunity to improve prior to the end of their evaluation period.

PPP # 40-10 Procedure on Performance Evaluations

PURPOSE

This Procedure implements the Policy on Performance Evaluations (PPP# 40-00).

GENERAL RULES

Responsibilities

Human Resources Director: The Human Resources Director is responsible for the administration and interpretation of performance evaluations and related policies and procedures; distribution of forms, including distribution to the departments for new employees; review of performance evaluations for completeness, accuracy, and proper signatures; ensuring that the evaluation is conducted properly and that it becomes part of the employee's personnel record; and transmittal to all rating supervisors and ~~Department Director~~ Department Heads of appropriate instructions and/or training on how to properly conduct performance evaluations.

The Human Resources Director is responsible for making sure all evaluation forms are completed and returned and that employees receive the appropriate increases based on the ~~High Performance Organization Pay~~ Performance Management System.

The completed evaluation form will be maintained in the employee's personnel file.

~~Immediate Supervisor~~ **Immediate Supervisor:** The immediate supervisor is responsible for evaluating the employee's work performance and reviewing the evaluation with the employee following the procedures stated on the Employee Performance ~~Planning and~~ Evaluation Form. The immediate supervisor may not evaluate an employee unless the employee has worked for that supervisor for a period of more than two months.

~~In instances where an employee has worked for an immediate supervisor four months or more of a semi-annual rating period and then is transferred, demoted, or otherwise moved to a new assignment, that supervisor will perform the employee's semi-annual evaluation.~~

~~Department Director~~ **Department Head:** The ~~Department Director~~ Department Head is responsible for reviewing all performance evaluation forms within the respective department to ensure proper application of evaluation standards, ~~and~~ to ensure that appropriate and adequate documentation is supplied in support of the evaluations' ratings and to ensure consistency among their supervisors.

Employees: Employees are responsible for reviewing the form in consultation with the supervisor to ensure understanding of the ratings; discussing varying levels of ratings including concerns, expectations, and goals for the forthcoming evaluation period; and signing the form as acknowledgement that they have reviewed the rating. Should employees disagree with all or part of the rating, they should still sign to acknowledge receipt and make appropriate comments on the form or attach information specific to their disagreements.

Evaluation Schedule

Regular Non-~~represented~~ AFSCME Probationary Employees: ~~Regular non-represented probationary~~

employees

~~are to receive a performance evaluation rating at the end of the third and sixth month and prior to the end of the twelfth month, or as close thereto as practicable, following their date of employment. Regular non-represented probationary employees are to receive a performance evaluation rating at the end of the sixth month and prior to the end of the twelfth month, or as close thereto as practicable, following their date of employment.~~

Regular Represented Probationary Employees: ~~Regular represented probationary employees are to receive a performance evaluation rating at the end of the second and fourth month and prior to the end of the sixth month, or as close thereto as practicable, following their date of employment. Regular represented probationary employees are to receive a performance evaluation rating at the end of the third month and prior to the end of the sixth month, or as close thereto as practicable, following their date of employment.~~

Regular Non-~~probationary~~ Probationary Employees- Represented and Non-~~AFSCME~~represented: Regular non-probationary employees, both represented and non-~~AFSCME~~represented, are to receive a performance evaluation rating prior to the end of the twelfth month, or as close thereto as practicable, following the completion of the employee's evaluation. ~~The twelfth-month evaluation will represent an evaluation of the employee's performance for the entire year.~~ The twelve-month or final evaluation will be an evaluation of the entire twelve months and will provide the basis for determining the salary increment, if any, an eligible employee is granted.

Entry-level Police Officers: Entry-level police officers' probations must extend at least twelve months beyond the completion of any necessary recruit training. They are then evaluated like non-~~AFSCME~~represented probationary employees.

Non-probationary Sworn ~~d~~ Police ~~Officers~~ Employees: Due to police accreditation requirements, non-probationary sworn ~~d~~ police ~~officers~~ employees will receive six-month and ~~twelfth~~twelve-month a performance evaluations.

Promoted Regular Employees: Promoted regular employees are subject to a six-month probationary period. Evaluations will be completed ~~at the end of the third and~~ prior to the end of the sixth month or as close thereto as practicable. This date will then become the employee's anniversary date for the purpose of performance evaluations and increments.

Demoted Regular Employees: Demoted regular employees ~~who must~~will be placed on probation ~~as a result of a demotion will remain on probation for the amount of time specified at the time of the demotion for six months. In this instance an employee will be taken off probation by way of a memo outlining satisfactory performance during the probationary period.~~ The employee's salary increment date ~~could~~remains unchanged; however, the employee's performance evaluation form will be forwarded from the current supervisor to the new supervisor.

Transferred Regular Employees: Transferred regular employees who are serving a probationary period as outlined in the Procedure on Transfers (PPP# 80-15) will be taken off probation ~~by way of a memorandum outlining satisfactory performance during the~~upon successful completion of their probationary period. The employee's salary increment date will remain unchanged. The employee's performance evaluation form will be forwarded from the current supervisor to the new supervisor.

Pay Increases

~~Pay increases will be given as outlined in the Policy on Working Hours, Position Classification and Wage and Salary Administration (PPP# 60-00) and the Procedure on Position Classification and Wage and Salary Administration (PPP# 60-20).~~

Evaluation Review

The performance evaluation is to be drafted and signed by the employee's ~~first line~~immediate supervisor. In completing the performance evaluation, the ~~immediate~~first-line supervisor shall seek input from other supervisors in the chain of command, as appropriate, and from the ~~Department Director~~Department Head. Once the performance evaluation has been reviewed by the ~~Department Director~~Department Head and finalized, the evaluation will be reviewed with the employee by the ~~immediate~~first-line supervisor ~~and/or the Department Director~~Department Head and a discussion held regarding the employee's performance. The discussion should include accomplishments, behavior, strengths and deficiencies, and planned future performance goals and objectives. The employee may make written comments on the form regarding the evaluation. The employee will be the last one to sign the evaluation form. The employee's signature indicates having received the evaluation and does not necessarily indicate concurrence or agreement with the rating as assigned.

~~The Department Director will retain the original of the initial (six month) evaluation forms for the department and reissue them to appropriate immediate supervisors prior to the end of the year (12 months) so that the final evaluation can be performed. The Department Director must then return all original evaluation forms for the rating year to the Human Resources Department prior to the employee's anniversary date.~~

~~All completed interim and final evaluations will be forwarded to maintained by Human Resources.~~

Appeal of Evaluations Disagreement with Performance Evaluation

Individual ratings in a performance evaluation are not subject to the City's Grievance Procedure. Should employees disagree with their individual ratings, they may address their differences on the evaluation form or attachment and may request a meeting with management up to their department director Department Head to request reconsideration of the rating (s).

Challenge to Performance Evaluation Procedure

An employee may challenge a failure to comply with the City's Policy and Procedure on Performance Evaluations through the City's Grievance Procedure (PPP# 160-10).

PPP # 50-00 Policy on Labor Unions and Employee Groups

PURPOSE

The purpose of this policy is to define the relationship between the City and the various organizations groups that may represent employees.

SCOPE

This Policy is inclusive of all labor unions and other organizations groups representing groups of employees that are recognized by the City of Rockville. These groups include the American Federation of State, County, and Municipal Employees (AFSCME) Local 1453; The Fraternal Order of Police (FOP); and The Association of Administrative Municipal Employees (AAME).

PRINCIPLES

The City will abide by the terms of any collective bargaining agreement it may have with a labor union. Nothing contained in any section of this Manual shall cause a conflict with the terms of the collective bargaining agreement. To the extent that any provision of this Manual is inconsistent with the terms of the collective bargaining agreement, the collective bargaining agreement will prevail, unless applicable law requires otherwise.

In the spirit of cooperation and involvement, the City will make an effort to keep all employee groups, through their respective representatives, informed of changes in its Policy. The City, however, still maintains the right to communicate and deal directly with each and every employee.

PPP # 50-10 Procedure on Labor Unions and Employee Groups

PURPOSE

This Procedure implements the Policy on Labor Unions and Employee Groups (PPP# 50- 00).

GENERAL RULES

City Representation

The Human Resources Director (as designated by the City Manager) is responsible for representing the City on any and all issues relative to actions affecting employees. This includes employees represented by AFSCME, FOP and AAME.

Prohibitions on ~~Supervisors, Labor Unions and Other Employee Organizations~~ Employee Groups

Labor Unions and other recognized ~~employee organizations~~ employee groups are prohibited from:

- ~~1. Interfering with, restraining or coercing any employee in the exercise of the rights provided to employees under the Personnel Policies and Procedures of the City;~~
- ~~2. Impeding any employees from carrying out their duties;~~
- ~~3. Discriminating against any employee with regard to membership or holding office in any labor union or employee group because of any reason outlined in the Policy on Unlawful Discrimination and Harassment (PPP# 30-00); and~~

~~P~~participating in and/or encouraging a work stoppage, strike, slowdown, or other disruptive activities.

Supervisors are prohibited from:

1. Interfering with, restraining or coercing any employee in the exercise of the rights provided to employees under the Personnel Policies and Procedures of the City;
2. Impeding any employees from carrying out their duties; and
3. Discriminating against any employee with regard to membership or holding office in any labor union or employee group because of any reason outlined in the Policy on Unlawful Discrimination and Harassment (PPP# 30-00).

Recognition of Unions and Other ~~Employee Organizations~~ Employee Groups

~~AFSCME~~

~~The City recognizes the American Federation of State, County and Municipal Employees (AFSCME) Local 1453 as the sole and exclusive representative for classes of employees as defined by the collective bargaining agreement between the City and AFSCME. The provisions of that collective bargaining agreement, as well as City policy and procedure, govern the employees in the AFSCME bargaining unit.~~

~~FOP~~

~~The City recognizes the Fraternal Order of Police (FOP) Lodge 117 as an organization representing certain Police Department employees. The City and the FOP have a "Meet and Confer" relationship designed to discuss operations and procedures, pay and benefits. This relationship provides the City and the FOP with the means by which they may address any mutual concerns or issues.~~

~~AAME~~

~~The City recognizes the Association of Administrative Municipal Employees (AAME) as an organization representing certain administrative, supervisory, managerial, technical, and clerical employees. The City and the AAME also have a "Meet and Confer" relationship designed to discuss operations and procedures, pay and benefits.~~

Membership Exclusions

~~Excluded from membership in any labor union or employee group are probationary employees, temporary employees, contract employees, Department Director Department Heads, City Attorney's Office employees, Human Resources Department employees, and any employee in the Finance Department or any other department who is "confidential" because he or she has regular access to privileged information regarding personnel management or labor policies through the employee's duty to assist:~~

- ~~1. The Mayor or a Councilmember;~~
- ~~2. The City Manager or Deputy City Manager; or~~
- ~~3. A Department Head or Assistant Deputy Department Head.~~

Meet and Confer Relationship

The City recognizes the Association of Administrative Municipal Employees (AAME) and the Fraternal Order of Police (FOP) as organizations representing certain employees. The City has a "Meet and Confer" relationship with both groups, to discuss operations and procedures, pay and benefits. Excluded from membership in any labor union or employee group are, temporary employees, contract employees, deputy directors, employees in the City Attorney's Office and employees in the Human Resources Department. Additionally, employees designated as confidential, per their job description are excluded from membership in any labor union or employee group.

While nothing in a "Meet and Confer" relationship would ever preclude the City from taking any action unilaterally which would affect its employees, the City fully recognizes the importance of groups such as the FOP and AAME. To that end the City will make every effort to discuss major issues that affect the membership of these groups with their representatives, keep these groups informed of policy and procedure changes through their representative, and discuss mutual issues and concerns with group representatives as may be appropriate.

The American Federation of State, County & Municipal Employees (AFSCME), Local 1453 collective bargaining agreement identifies the employees who are eligible to be a member of the AFSCME union.

PPP # 60-00 **Policy on Establishing and Reporting Work Hours**

PURPOSE

The purpose of this Policy is to establish the working hours and guidelines for position classification and wage and salary administration.

PRINCIPLES

Working Hours

The regular workweek normally consists of five (5) consecutive days or four (4) days within the seven (7) day workweek as defined by the organizational unit. The starting time of the day, and regular workweek, is established by the City Manager Charter -Appointed Official and/or Department Heads designee(s). For certain designated employees such as those in Refuse Collections, Police, Motor Vehicle Maintenance, Water Treatment, and others, the workweek may vary.

Establishment of a Position

A position represents the sum of the responsibilities assigned to and the duties performed by an employee. With the exception of the Charter Appointed Official ~~positions of City Manager, City Clerk, and City Attorney~~, each position will be established in accordance with PPP# 60-20, which implements this policy.

Establishment of a Class

A class represents the grouping of identical or closely related positions, the duties of which are so similar or related that the training, experience, and skill levels required to ensure satisfactory performance are the same. A class may consist of only one position when no other positions of the same type exist in the City. (See PPP# 60-20.)

Wage and Salary Administration

Compensation for employees will be such that internal consistency and equity are maintained among all positions, and that the City is able to recruit and retain qualified employees. The rate of compensation of employees is subject to the availability of funds.

For the purpose of wage and salary administration, all positions are divided into three categories:

- 1. Hourly Rate Positions** - These positions are occupied by the employees of the City receiving an hourly rate of pay ~~(i.e. temporary employees)~~.

2. Salary-Graded Positions - All regular positions in the City, other than certain hourly or contractual positions, are salary-graded. The schedule of pay grades for salary-graded employees of the City may be adjusted occasionally, based upon the availability of funds and the need to keep the salaries of the City's positions competitive. Pay grades for salary-graded employees represented by the American Federation of State, County, and Municipal Employees (AFSCME) shall be governed by the terms of their collective bargaining agreement.

Compensation for non-~~AFSCME represented~~ salary-graded and hourly rate positions is determined by regular surveys and job evaluations within the City, as well as by surveys of similar positions outside of the City. Compensation for represented employees shall be determined by collective bargaining between the City and the Union.

3. Contractual Positions - ~~Remuneration~~ Compensation is determined by the~~depends upon nature of assignment and specifies~~terms of the contractual agreements. (See PPP# 20-00.)

Salary Increment—Effective Date

Eligible represented and non-~~AFSCME represented~~ salary-graded employees may receive salary increments annually until the top of their salary grade is reached. ~~Employees who are receiving longevity increases may be treated differently.~~ Eligible employees receive their first salary increment after successfully completing their probationary period. They may then receive a salary increment on an annual basis from this date if performance warrants. Non-~~AFSCME represented~~ employees will receive pay increases in accordance with the Performance Management ~~High Performance Organization Pay~~ System. Payment of salary increments is dependent upon employee performance and the availability of funding.

~~Salary increments will be effective on the first full pay period day of the pay period in which their anniversary date falls, assuming approval. Anniversary dates of the 15th or before of a month will be the 1st of that month. Anniversary dates of the 16th to the end of the month will be the 1st of the following month.~~

With regard to salary increments:

Employees ~~not on probation~~ will have their salary increments delayed one day for every day of leave without pay used ~~during the increment anniversary period.~~

Overtime and Compensatory Time

- ~~1.~~ Overtime work is required work performed in excess of a 40-hour workweek, ~~which is authorized by a supervisor.~~
- ~~2.~~ Overtime work must be approved by a supervisor in advance, or as soon as practicable in extenuating circumstances.
- ~~2.3.~~ _____ Overtime pay is defined as that monetary compensation paid for eligible overtime work.
- ~~3.4.~~ _____ Compensatory time is defined as paid leave credited to an employee in lieu of paid overtime, and is in addition to paid annual leave and other paid leave.
- ~~4.~~ Leave year is that period of time beginning with the first full pay period of a calendar year and ends with the payroll period in which December 31 falls.
- ~~5.~~ Base pay rate includes all approved leave with pay for the purpose of computing overtime.

Out-of-Title Pay

Out-of-Title Pay is ~~that~~ pay given to an individual for performing duties within a higher job class ~~than the job class different from that in which they are employed~~their regular job class.

Non-~~AFSCME represented~~ Supervisory Employees

Salary-graded non-~~AFSCME represented~~ supervisory employees assigned to perform all the duties and responsibilities of a higher classification for a period in excess of fifteen (15) consecutive working days shall

be eligible to receive Out-of-Title-Pay commencing on the sixteenth (16th) consecutive work day. The employee shall receive pay for working in the higher classification, which shall provide the employee with a salary increment as outlined in the Procedure on Promotion/Reclassification (PPP# 80-10), or the bottom of the higher salary range, whichever is more.

Non- ~~AFSCME~~represented Non-supervisory Employees

Salary-graded non- ~~AFSCME~~represented employees who are non-supervisory personnel assigned to perform all the duties and responsibilities of a higher hourly rate classification are eligible to receive Out-of-Title-Pay on an hour for hour basis at the hourly rate of higher classification effective on the sixth (6th) consecutive workday of such assignment.

Union-represented Employees

Union-represented employees assigned to perform all the duties and responsibilities of a higher classification shall be eligible to receive Out-of-Title-Pay as provided under the terms of their collective bargaining agreement.

Police Officers

Police Officers temporarily assigned as "Officer in Charge" shall be paid that rate of pay as though promoted into the position.

Out-of-Title Pay Process

Authorization

~~Out-of-Title Pay shall be approved by the Charter Appointed Official or Department Head and the Human Resources Director, in advance and in writing. When Out-of-Title-Pay is deemed necessary for efficient operation, the Appointed Official or Department Director/Department Head shall request, in advance and in writing, approval of Out-of-Title Pay from the Human Resources Director.~~

A memo stating the details of the need for Out-of-Title-Pay or transfer of personnel must be prepared by the immediate supervisor and sent to the Human Resources Director via the Charter Appointed Official or Department Director/Department Head as soon as practicable. Human Resources, upon approval, will notify Payroll by means of a Personnel Action Form.

Certification

~~No Out-of-Title-Pay will be paid unless it has been authorized by the Human Resources Director. To ensure proper control, the signature of the employee's supervisor must always be entered on the Time Sheet for each employee receiving Out-of-Title-Pay.~~

Maximum Amount of Pay

~~The maximum amount of Out-of-Title-Pay allowed is 90 cumulative work days per fiscal year. In extraordinary circumstances, the Appointed Official/City Manager may make an exception to the 90-day annual limit.~~

Recordation

~~For recording the above on the Time Sheet, see (PPP# 60-10).~~

Transfer of Personnel

An employee is usually hired to fill a particular position in a specific office or location. However, the City may transfer or assign employees to any position, office, or location that the need or best interest of the City dictates. Such transfers and assignments may be temporary or permanent.

PPP # 60-10

Procedure on Establishing and Reporting Work Hours

PURPOSE

This Procedure implements the section on Working Hours as described in the Policy on Establishing and Reporting Work Hours (PPP# 60-00).

GENERAL RULES

Recording Time

Supervisors of employees with irregular schedules, shift employees and regularly scheduled part-time employees are responsible for keeping records of the workdays and working hours established for such employees. ~~Changes in schedules should be recorded to ensure correct preparation of the payroll and proper control of attendance and leave records.~~ Schedules must be approved by ~~Department Director~~ Department Heads.

~~Time recording instruments will be maintained for all salaried and hourly wage employees in accordance with Department of Finance requirements.~~

Workweek Schedule

Union Represented Employees: The workweek for union represented employees begins at 12:01 a.m. Monday and ends at 12 midnight on the following Sunday. The workweek for other employees begins at 12:01 a.m. Saturday and ends at 12 midnight on the following Friday. This schedule may be changed by the City Manager or designee(s) in his or her discretion.

Full-time Non-~~AFSCME~~represented Salary-graded Employees: Full-time non-~~AFSCME~~represented, salary-graded employees will normally work five (5) consecutive days or four (4) days that include a daily lunch period within the seven (7) day workweek as defined by the ~~organizational unit~~ Charter -Appointed Official or Department Head. For certain designated employees such as those in Refuse Collection, Police, Motor Vehicle Maintenance, Water Treatment, and others the workweek may vary. The normal operating hours schedule for ~~employees working in~~ City Hall ~~is~~ 8:30 a.m. to 5:00 p.m., Monday through Friday. This schedule or the schedule at other locations may be changed by the City Manager or designee(s).

Regular, Non-probationary Represented Employees: The workweek and workday (including breaks) for regular, non-probationary, union-represented employees shall be in accordance with the collective bargaining agreement between the City of Rockville and AFSCME Local 1453.

Lunch Period: The lunch period for full-time employees varies. Lunch periods should be scheduled as close to the middle of the workday as possible but are to be staggered to meet operational requirements and to provide maximum public service.

Involuntary Reduction of Work Hours and Pay

All City employees may be subject to furlough due to an unexpected lack of funds to operate. Employees are strictly prohibited from performing any City work during the furlough period. This includes checking work-related e-mail and voice mail.

PPP # 60-20

Procedure on Position Classification and Wage and Salary Administration

PURPOSE

This Procedure implements the sections on Establishment of a Position, Establishment of a Class, and Wage and Salary Administration as described in the Policy on Establishing and Reporting Work Hours (PPP# 60-00).

GENERAL RULES

When a new position is to be created, a position is budgeted, or review of an existing position is desired, the Department Head involved will submit a memorandum and a completed City Job Description questionnaire form to the Human Resources Director requesting initial classification or review. This request must include

approval of the Charter Appointed Official for the position to be reviewed.

Evaluation of Salaried Classes

~~Evaluation is the assignment of a salary grade to a class. Factors considered in evaluation include, but are not limited to the following: complexity and/or degree of difficulty of the position; degree of freedom of action; supervisory responsibility; responsibility for property, money, lives; impact of work on the program objectives; relationship between classes; and education and experience requirements. Consideration of the above factors helps to maintain internal salary consistency. To remain competitive in the recruitment and retention of qualified employees, area or national salary surveys will be conducted or obtained periodically. As a result of these evaluations and surveys, the Human Resources Director will submit recommendations for the assignment of a pay grade for each salaried class to the Appointed Official City Manager for approval. Certain classes in the Recreation and Parks scale have their salaries determined by surveys conducted by the Recreation and Parks Department.~~

~~The City salary schedules are available in the Human Resources Department, or the Payroll Division of the Finance Department, and on I-ROCK under the Human Resources tab.~~

Position Classification and Review

~~When a new position is to be created, a position is budgeted, or review of an existing position is desired, the Department Director involved will submit a memorandum and a completed City Job Description questionnaire form to the Human Resources Director requesting initial classification or review. This request must include approval of the City Manager Appointed Official for the position to be reviewed.~~

When conducting a position review, the Human Resources Department will arrange for interviews with the incumbents, their supervisor(s), and Charter Appointed Official or Department Director Department Head. Upon interviewing the incumbent, if any, the Job Description Questionnaire form will be reviewed along with any other information pertinent to the position. The Human Resources Department will review with the supervisor and the Charter Appointed Official or Department Director Department Head concerning the description of duties and responsibilities discussed in the interview with the incumbent. The supervisor and Charter Appointed Official or Department Director Department Head will certify that the list of duties and responsibilities is accurate and complete, or will indicate the changes, which are to be made.

After the Human Resources Department has completed the analysis of the position, the Human Resources Director will review the findings and determine whether the position will remain in the same class, be assigned to another existing class, or be assigned to a newly created class.

The Human Resources Director will seek concurrence for any changes from the respective Charter Appointed Official or Department Director Department Head. ~~The City Manager's Charter Appointed Official's approval is required for all position classification changes for positions reporting directly or indirectly to the City Manager Charter Appointed Official. concerned and submit to the City Manager for approval of the recommendation regarding the classification of the position studied.~~

Salary-Grade Adjustments

When a salaried class is assigned a higher pay grade, the incumbents of positions in such class will be paid as if they have received a promotion as outlined in the Procedure on Promotion/Reclassification (PPP# 80-10). ~~The effective date for salary adjustments will be the beginning of the first pay period after such adjustment has received the required approval.~~ If a lower salary grade is assigned to a class, any incumbents in that class whose current rate of pay is under the maximum salary of the new grade assigned will continue to be eligible to receive salary increments until they reach the maximum of the new grade. Any incumbents, whose rate of pay is already at or above the maximum of the new lower grade will remain at that rate of pay until the maximum of the new grade exceeds their current rate of pay. The incumbent's anniversary date will not change. This policy does not apply to any recommendations or adopted findings resulting from a classification and compensation study.

Shift Differential

Non- ~~AFSCME~~ ~~represented~~ employees assigned to work a regular shift, more than four (4) hours of which falls between the hours of 5:00 p.m. and 7:00 a.m. shall receive night differential pay. The amount of such

pay shall be as determined by the City Manager Charter -Appointed Official. ~~Current differential rates are available upon request from the Payroll Division. Other premium pays for established criteria may be granted by the City Manager, in his or her discretion.~~

Union represented employees shall receive night differential pay in accordance with the terms of the collective bargaining agreement between the City and AFSCME Local 1453.

Salary Increment-Anniversary Date

Salary increments are salary increases based upon criteria established in the Performance Planning and Evaluation System and within the grade established for each class. Increments will be granted to eligible employees provided the City's fiscal position allows. ~~Salary increments will be effective on the first day of the pay period in which their anniversary date falls, assuming approval. (PPP# 60-00.)~~

~~Employees receiving two or more unsatisfactory ratings on their final evaluation are not eligible to receive a salary increment for that year.~~

An employee who is hired, re-employed, or receives a salary increment is not eligible for a salary increment until one year from the date of such action, except that union-represented employees receive a salary increment after successful completion of their initial six-month probationary period.

REPRESENTED EMPLOYEES hired on or before June 30, 1992, receive longevity pay in accordance with the terms of the contractual agreement between the City and AFSCME Local 1453.

~~**NON- AFSCME REPRESENTED EMPLOYEES** hired on/or after July 1, 1980, are not eligible for longevity pay. Those employees hired before July 1, 1980 are eligible for longevity pay. Those hired prior to July 1, 1980 and not receiving longevity pay at that time may eventually go to the top of their grade. After 12 1/2 consecutive years of classified service as a regular employee, these employees will receive longevity pay equal to 5% of their current base salary.~~

~~Those hired before July 1, 1980, and receiving longevity pay at that time have two options. They may advance no higher than 5% below the top of their grade and continue to be eligible for a 5% increase after 7 1/2 years and an additional 5% after 12 years for a total of 10% longevity pay. They may, however, convert that portion of the money equivalent of the 7 1/2 year longevity pay (5%) to an increase thus allowing them to advance to the top of their grade. Such conversions must be requested and implemented only prior to January or July of each year. Once employees convert longevity to the advancement in grade to the top of grade, they may not revert to longevity.~~

Longevity pay is made in two equal lump sum payments in June and December of each year. ~~In no instance will the sum of an employee's earnings (including regular rates and longevity pay) exceed 105 percent of the top step of the assigned salary grade.~~

Incentive Plans

~~The City may establish incentive plans which may provide for compensation in addition to the salary schedule for certain employees of the City who satisfy the criteria established in the High Performance Performance Management Pay System or other incentive plans. However, no employee shall be paid a salary less than the established minimum nor greater than the established maximum rates fixed in the compensation salary schedule for the position the employee holds. Incentives will be granted to employees in lump sum payments in accordance with the HPO Pay Performance Management Pay System. Lump sum payments may be provided to employees that exceed the maximum range of the salary established for a class.~~

PPP # 60-30

Procedure on Overtime and Compensatory Time

PURPOSE

This Procedure implements the section on Overtime and Compensatory Time described in the Policy on Establishing and Reporting Work Hours (PPP# 60-00).

GENERAL RULES

Responsibilities

Each ~~Department Director~~ Department ~~Department Head~~:

- a. May establish policies and procedures ~~providing~~ allowing non-exempt employees to select compensatory time in lieu of overtime pay subject to the provisions of the FLSA and any applicable collective bargaining agreement.
- b. Shall establish policies and procedures for authorizing overtime work and compensatory time.

All supervisors, regardless of level, so authorized by the applicable Charter Appointed Official or ~~Department Director~~ Department Head, are responsible for:

- a. Planning, scheduling, and assigning work to ensure that overtime is worked only when absolutely necessary or when emergencies occur;
- b. Authorizing employees to work overtime;
- c. Ensuring that authorized overtime work and compensation is properly entered and approved on leave, attendance, and paper or electronic time sheets;
- d. Administering the policies and procedures which govern or relate to overtime work and overtime compensation; and
- e. Assigning overtime work to represented personnel in accordance with the terms of the applicable collective bargaining agreement.

Approval

The assignment of overtime is an exercise of management discretion reserved to supervisors.

Overtime work for which compensation is given shall be authorized in advance for ~~both exempt and~~ non-exempt eligible employees.

Advance authorization is not required in the case of a bona fide emergency where overtime work is needed to prevent immediate danger to life, health and/or property.

Eligibility

All employees in non-exempt classifications are eligible for compensation (pay and/or compensatory time) for approved overtime worked in excess of 40 hours per workweek. The type of overtime compensation available to Union-represented employees is governed by the terms of the applicable collective bargaining agreement.

Except for ~~Department Director~~ Department Heads, and Appointed Officials ~~Charter -Appointed Officials,~~ ~~Deputy City Manager, City Manager, City Attorney, and the City Clerk/DCO and employees holding positions established by the City Charter~~, employees in exempt classifications are eligible for compensatory time for approved time ~~overtime~~ worked in excess of 40 hours per week, but are not eligible for overtime pay.

~~Department Director s and employees holding positions established by the City Charter are not eligible to earn overtime pay or compensatory time.~~

Compensatory Time ~~ion~~

All compensatory time must be pre-approved or approved as soon as practicable in extenuating circumstances. Classes that are exempt and non-exempt for purposes of determining overtime eligibility are determined by the Human Resources Department.

1. ~~Salary graded non-represented employees who are exempt under the Fair Labor Standards Act (FLSA) from the payment of overtime shall receive e~~ Non- AFSCME represented exempt employees who are eligible to receive compensatory time will be given compensatory time at a rate of one times the hours worked for each hour actually worked in excess of ~~their normal workweek~~ 40 hours.

per week.

2. ~~Salary-graded n~~Non-~~AFSCME~~represented ~~non-exempt~~ employees ~~who are non-exempt by FLSA definition from the payment of overtime shall~~will have the option to receive payment or compensatory time. Either shall be credited to the employee at the rate of one and one-half hours earned for each hour worked in excess of 40 hours per week.
3. ~~Hourly rate e~~Employees represented by AFSCME Local 1453 are compensated for overtime ~~as defined in accordance with~~by the collective bargaining agreement ~~with the City of Rockville.~~
4. ~~Hourly rate non-represented non-exempt employees shall receive overtime compensation at the rate of one and one-half times the hours worked for each hour actually worked in excess of 40 hours per week.~~
5. ~~Contractual employees (non-union) will receive compensation for overtime in accordance with FLSA regulations and the terms of their agreements.~~

There is a Citywide cap of 80 hours ~~placed~~ on the accumulation of compensatory time for each individual. There is not a set time period in which an employee must use compensatory time. Individual exceptions may be made on the 80-hour cap with the written recommendation of the Charter Appointed Official or Department Director-Department Head and approval of the Human Resources Director.

Minimum Reimbursable Periods

The minimum compensable increment for time worked over 40 hours in a week ~~period for overtime work~~ is one-quarter hour ~~for all eligible employees.~~

Exempt Employees

Compensation

~~Eligible Exempt exempt employees may receive compensatory time for work in excess of 40 hours in the work week overtime compensation only by compensatory time.~~

~~Eligible exempt Employees exempt from overtime pay are entitled to receive one hour of compensatory time for each hour of approved time overtime worked in excess of 40 hours in the work week.~~

~~Exempt employees shall be paid their normal base rate of pay plus compensatory time on an hour-for-hour basis for all hours worked on holidays or on their regular time off in excess of 40 hours in a workweek.~~

Carry-Over of Time

~~Except as otherwise provided below, exempt employees may carry over no more than 80 hours of accrued compensatory time from one leave year to the next. If authorized by the City Manager, exempt employees may elect to have 50% of the value of their compensatory leave accrued beyond 80 hours distributed into an employer-sponsored health or retirement plan consistent with IRS regulations.~~

~~With the written concurrence of the Human Resources Director, a Department Director may allow an exempt employee to carry over some or all of the employee's excess compensatory time to the next leave year if the employee did not use the excess compensatory time because of special circumstances or workload demands. All such exceptions to the accrued compensatory time cap must be made in writing. However, in no instance will the accrued compensatory time exceed limits as set forth under the Fair Labor Standards Act.~~

~~If such carry over is authorized, the non-exempt employee must use the excess by the end of the next leave year.~~

Termination

Exempt employees will not be paid for any unused compensatory time at the time of their termination of service. Non-exempt employees will be paid for any unused compensatory time at the time of their termination of service.

Non-exempt Employees

Compensation

~~Non-exempt employees may receive overtime compensation by overtime pay or by compensatory time in lieu of overtime pay, or any combination thereof as determined by the applicable Department Director, or the Director's designee. Subject to the provisions of the FLSA, non-exempt employees who are required by their supervisors to work overtime shall be paid for such overtime at the rate one and one-half (1 ½) times their normal straight time base rate of pay or shall be provided compensatory time in lieu of overtime pay at the rate of one and one-half (1 ½) times the number of overtime hours worked. The one and one-half (1 ½) overtime pay and compensatory time rate will only apply to hours worked in excess of 40 hours per workweek. Non-exempt employees whose normal workweek is less than 40 hours will receive their normal time base rate of pay time for each hour worked that does not exceed 40 hours per workweek.~~

Work on Holidays

Non-exempt employees required to work on a holiday (see PPP# 120-00) shall be paid their normal base rate of pay for their normal work day plus one and one-half (1 ½) times their base rate of pay, or compensatory

time at the rate of one and one-half (1 ½) times the hours worked, for all hours worked on the holiday.

Call-in Pay

~~Non-exempt employees recalled to work on a regular work day or called to work on a regular day off will be paid, or will receive compensatory time in lieu of pay, for a minimum of four hours or for hours actually worked, whichever is greater. For purposes of pay or compensatory time, recalled employees will be considered to be on an overtime assignment provided the hours are in excess of 40 hours in the work week, including credit for approved leave. The City Manager may establish special call-in procedures and compensation for certain classifications of employees.~~

Union-Represented Employees

~~Union-represented salary-graded employees shall receive overtime compensation for all authorized overtime in accordance with the terms of the applicable collective bargaining agreement with the City.~~

Compensatory Time in Lieu of Overtime Pay

City's Discretion

~~At the discretion of the applicable supervisor and in accordance with policies established by the applicable Appointed Official or Department Director, non-exempt employees may receive any combination of compensatory time off and overtime payment so long as the principle of "time and one-half" is maintained, and the compensation is consistent with any applicable collective bargaining agreement.~~

Use of Compensatory Time

~~Non-exempt employees must be allowed to take compensatory time off within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the City's operations.~~

Payment for Compensatory Time

~~At the end of the leave year, a non-exempt employee shall be paid for any compensatory leave hours accrued in excess of 80 hours.~~

~~Non-exempt employees will be paid for any unused compensatory time at the time of their termination of service.~~

Recording Overtime and Compensatory Leave

~~1. Overtime and compensatory leave are recorded by the employee and verified by the appropriate supervisor on the Time Sheet along with the regular hours worked through the City's payroll/timekeeping system. Time Sheets are prepared and submitted as designated by the Department of Finance.~~

~~2.~~

~~3. The appropriate supervisor approves daily overtime by signing the Time Sheets. Each instance of overtime must be recorded on the Time Sheet.~~

~~4. All records on the accrual and use of compensatory time will be recorded through the City's payroll/timekeeping system.~~

PPP # 70-00 Policy on Teleworking

PURPOSE

The Purpose of this Policy is to establish rules for teleworking at an off-site location as an effective way to meet City and employee needs.

PRINCIPLES

Teleworking for the City of Rockville is a management option, not an employee right. It is a privilege extended

to employees as a voluntary option with the clear understanding that every job may not be adaptable for remote work. Teleworking arrangements can be terminated by either party upon reasonable notice to the other party, unless specified otherwise in the Telework Agreement.

PPP # 70-10 Procedure on Teleworking

PURPOSE

This Procedure implements the Policy on Teleworking (PPP # 70-00).

GENERAL RULES

Definitions

1. Teleworking - also called telecommuting - The practice of working from a remote workplace, such as home or a satellite work center, instead of commuting to a designated office.

2. Designated office - The employee's usual and customary City work address. ~~With Teleworking, the emphasis is placed on information or communication exchange through telephones and remote devices, such as computers, modems, and fax machines, so an employee may work off site. In some cases, the telephone may be the only necessary communication equipment.~~

3. Teleworking schedule—Teleworking is a flexible deployment of staff to meet City and employee needs. Telework may occur on a regular schedule (one or more days each week). Intermittent or episodic teleworking is also permitted. Teleworking less than full time is supplemented by working at the designated office. Telework may also occur during non-traditional work hours with the supervisor's approval.

4. Telework location—home ~~Home based~~—working in an area in an employee's residence specifically set aside as a work space to be used during teleworking hours or another area as approved by the City.

5. Eligible Employees—Any employee whose position is determined by the City to be suitable for teleworking. Eligibility determinations are made by the immediate supervisor, Department Director, Human Resources Director, and Director of Information and Technology.

6.3. Telework Agreement - the document that defines all the general and specific parameters of teleworking for each individual employee, which must be signed by the employee and accepted by the City prior to teleworking.

Evaluation Factors for Teleworking

A non-exclusive list of factors to be considered in determining if a position is suitable for telecommuting includes:

- the employee's desire to telework
- the employee's abilities and work history
- the work performed
- the tools and technology necessary to perform the work
- scheduling issues
- the off-site job location
- the ability to manage work hours and employee expenses
- the City's operational needs

~~Authorized Expenses~~

~~Based on need and available funding designated specifically for this project teleworking, Department Directors~~

~~or their designees are authorized to approve, in accordance with established procedures, expenditures for office equipment, software, communication devices and services, and office supplies needed by teleworkers at their remote workplace. For those employees authorized to telework and teleworking at least a minimum of one day per week, the City will allow, on loan, hardware and software to be used by the employee in connection with their teleworking needs. The total value of such equipment shall not exceed \$500 per employee. This equipment shall be authorized by and purchased through the Director of Information & Technology and is considered to be on loan to the employee. Upon cessation of teleworking or termination of employment, the employee will be responsible for the return of this equipment.~~

~~Equipment and Software~~

~~The employee is responsible for the maintenance and care of the equipment they use. When City equipment is used at the City or at a remote workplace, the employee is financially responsible for that equipment if it is lost, stolen, or damaged because of that employee's negligence, misuse, or abuse.~~

Teleworking Proposal

Those staff who ~~believe they have tasks that would lend themselves to being carried out in a home office or other remote site and~~ are interested in being considered for telework are invited to write a Proposal for Teleworking, describing how their work would be conducted if they teleworked. ~~The following outline of points should be used when writing the plan included in the proposal. It~~ The proposal need not be lengthy, but should provide a clear, concise discussion of specific positive impacts and any drawback that teleworking would have on the employee, the employee's family, co-workers, the work itself, the supervisor, and customers.

~~Proposals should be submitted to the immediate supervisor.~~

Outline Proposal

~~Employees must use this outline to demonstrate how their teleworking would impact the services provided to Rockville citizens. Proposals must be signed by the employee and submitted to the immediate supervisor and must include:~~

1) ~~Write a s~~Summary.

- Describe what the employee wants to do, how often, and how the employee would carry out their job ~~and how the City would benefit.~~
- ~~Show ways the City would benefit.~~

2) ~~Discuss the p~~Proposed schedule for ~~teleworking at home or other remote site and at the City.~~

- ~~Outline last week's calendar for the employee's specific job.~~
- ~~List tasks that required face-to-face meetings with the public and co-workers.~~
- ~~Show the days the employee could have worked in the remote office.~~
- ~~Answer the question—was that a typical week?~~
- Describe in detail the proposed teleworking schedule, i.e. the days the employee would work in the remote office and at the City and the tasks they would do in each location.

3) Describe the remote office.

- Identify and describe the equipment for the remote office the employee has or would need to telework. ~~What equipment does the employee already have?~~
- ~~Confirm that the employee has "high speed access." High speed access is internet provided via broadband technologies such as cable, fiber, or DSL with a minimum transmission speed of at least 4 MB per second downstream and 1 MB per second upstream.~~
- ~~Where can the employee get what they do not own?~~
- Describe the employee's remote office working environment.
- ~~If the remote office looks professional, consider including a photo.~~
- ~~Describe how the employee will get technical support (in most cases the City's IT Department will not provide support for the employee's equipment and software).~~

4) Address the City's concerns.

- ~~How will the City know the employee is really working?~~
- Write a proposal for planning and measuring performance.
- ~~How can the City reach the employee?~~
- Outline a plan for keeping in touch by e-mail, voice mail, call forwarding, business telephone line, etc., including the hours (employees are generally expected to be available by phone during normal business hours).
- ~~What if the employee is suddenly needed at the office?~~
- Give examples of typical problems that arise and how they might be solved from the remote office.
- Describe how long it would take you the employee to get to the City office if needed.
- ~~What about child care, elder care, and other non-work related obligations be handled? (Telework is not an alternative for childcare or eldercare.)~~
- ~~Provide a realistic solution that does not require the employee to supervise young children, care for elder individuals, or perform other non-work related duties during work time.~~
- ~~Describe any impact on the family.~~
- Describe any potential impact on co-workers.

Approval or ~~Disapproval~~ Denial

The immediate supervisor signs the proposal and indicates approval or ~~disapproval~~ denial of the request. The supervisor may comment on the proposal by attaching a memorandum.

If approved, the immediate supervisor then forwards the proposal through appropriate levels to the ~~Department Director~~ Department Head or Charter Appointed Official.

The ~~Department Director~~ Department Head or Charter Appointed Official signs the proposal indicating approval or ~~disapproval~~ denial and may comment, by attaching a memorandum. ~~If approved, the form is then forwarded to the Director of Information and Technology (DOIT).~~

~~The DOIT will review the proposal indicating approval or disapproval and may comment, if desired, by attaching a memorandum. If approved, the form is then forwarded to the Human Resources Director.~~

The Human Resources Director or designee will review the proposal to ensure compliance with the policy and governing procedures, verifying the information in the application where appropriate. The Human Resources Director then signs the form indicating either approval or ~~disapproval~~ denial of the request.

If the proposal is approved by the Human Resources Director, the Human Resources Director will place the proposal in the employee's file and return a copy to the employee and to the ~~Department Director~~ Department Head. ~~The employees will then be required to sign a telework agreement and to make appropriate arrangements with the immediate supervisor to begin teleworking.~~ Supervisors are responsible for ensuring acceptable performance of employees who telework. Approval of telework is solely at the City's discretion and may be withdrawn or altered with reasonable notice to the employee.

~~At any time during this process should anyone disapprove of the proposal, the processing will stop at that level of disapproval and copies of the form and reason for disapproval shall be returned to all previous levels of the routing process and to the Human Resources Department for placement in the employee's personnel file.~~

PPP # 75-00 Policy on Discipline ~~and Dismissal~~

PURPOSE

The purpose of this Policy is to define the rules for disciplining ~~and dismissing~~ employees of the City of Rockville.

PRINCIPLES

Disciplinary actions are taken to reinforce the expectations and standards required to be followed by City employees. To that end, disciplinary actions not only serve to put employees on notice that they have failed to meet the City's expectations, but also to give employees an opportunity to meet these expectations. Disciplinary actions also define what consequences may be ~~incurred-imposed~~ if the employee fails to meet the City's expectations.

~~Regular, n~~Non-probationary employees having completed probation are expected to meet acceptable performance criteria and follow all rules as defined by the City. Their failure to do so may result in progressive discipline as outlined in the Procedure on Discipline ~~and Dismissal~~ (PPP# 75-10). These employees have the right to appeal such actions through the administrative grievance procedure. Union employees must follow the grievance procedure available in the collective bargaining agreement.

~~Regular, p~~Probationary employees are also expected to meet all acceptable performance criteria and follow all rules as defined by the City. The probationary period provides the City the opportunity to evaluate the individual and determine the employee's suitability. At the appropriate evaluation periods, probationary employees should be informed of any problems concerning their performance by way of an evaluation and, if necessary, also by memorandum. The City reserves the right to terminate the employment relationship at any time during the probationary period for any non-discriminatory reason without the right of appeal under the administrative grievance procedure or collective bargaining agreement.

Temporary, ~~and~~ seasonal and other employees are expected to meet all acceptable performance criteria and follow all rules as defined by the City. They serve at the pleasure of the City, ~~and. Their service is determined as it best meets the needs of the City and~~ may be terminated at any time for any non-discriminatory reason.

PPP # 75-10 Procedure on Discipline ~~and Dismissal~~

PURPOSE

This Procedure implements the Policy on Discipline ~~and Dismissal~~ (PPP# 75-00).

GENERAL RULES

Supervisors and managers must keep all disciplinary actions confidential. This includes, but is not limited to discussions, records, documents, and correspondence related to the disciplinary action. Only non-probationary regular employees have a right to appeal through the appropriate grievance procedure.

Probationary Employees

~~Regular, p~~Probationary employees who fail to meet acceptable performance criteria are subject to dismissal. During their initial probationary period ~~(six or twelve months)~~, employees do not have rights of appeal under the administrative grievance procedure or collective bargaining agreement.

~~Prior to~~To release recommending dismissal of an employee during probation, the supervisor, with approval of their Department Head, shall write to the Human Resources Director stating the reasons for the ~~dismissal-release~~. Prior to dismissal, the Human Resources Director must concur with the supervisor's recommendation for dismissal during probation. If appropriate, the Human Resources Director will approve the release and instruct the supervisor to inform the employee in writing about the release, prior to the effective date of such action. Such a release must also be approved by the City Manager.

Temporary/Seasonal Employees

~~Temporary/seasonal and other employees serve at the City's pleasure and may be removed from service at any time as best suits the interests of the City. The decision to remove a temporary or seasonal employee must be reviewed and approved by the City's Human Resources Director. Temporary and seasonal employees do not have a right of appeal.~~

Regular-Non-Probationary Employees

~~Regular, n~~Non-probationary employees who fail to meet acceptable performance standards or otherwise violate

City rules, regulations, policies, procedures, etc., are subject to disciplinary action. Progressive discipline should be followed whenever the City determines it is appropriate to do so. Progressive discipline includes

verbal warnings, written warnings, ~~disciplinary probation~~ performance improvement plan, suspension, and dismissal, usually applied in that order. First offenses of minor infractions should only incur verbal or written warnings. Subsequent offenses will generally ~~incur result in~~ more severe forms of disciplinary action. In all cases, the nature, extent and severity of the infraction must always be considered in determining the degree of the disciplinary action. Nothing in these guidelines precludes the City from taking more severe forms of disciplinary action, including but not limited to suspension and/or dismissal, for first offenses. Also, nothing in these guidelines precludes the City from imposing multiple forms of discipline (e.g., i.e., demotion, probation, and suspension).

Disciplinary Action

~~Disciplinary action should always be conducted and maintained confidentially. Written or verbal~~ Notices of disciplinary action ~~should~~ must include all of the following: the performance standards, City rules, regulations, policies, procedures, etc. which were violated ~~area of deficient performance~~ citing specific examples where possible; what the performance expectations are; what consequences may be ~~incurred imposed; for failing to heed those warnings and expectations;~~ a measurable specific period of time for correcting ~~difficulties~~ deficiencies; and a summary of previous discipline. The forms of progressive discipline are as follows:

The forms of progressive discipline are:

1. **Verbal Warning:** a discussion between the immediate supervisor and the employee. Such warnings shall be ~~reported to the Human Resources Director~~ documented and maintained by the immediate supervisor.;
2. **Written Warning:** as a memorandum from the immediate supervisor, approved by the Human Resources Director/Department Head, to the employee with a copy to the personnel file.;
3. **Disciplinary Probation: Performance Improvement Plan:** a ~~in~~ memorandum, approved by the Human Resources Director and Department Head, ~~form~~ from the immediate supervisor to the employee detailing performance deficiencies and expected improvement ~~for~~ within a specified period of time. of generally six (6) to twelve (12) months, depending on the infraction, A copy must be maintained with a copy to in the personnel file. The starting and ending dates of the ~~probation~~ performance improvement plan must ~~should~~ be indicated in the memorandum.;
4. **Suspension Without Pay:** normally for a period of time of one to five workdays depending on the infraction ~~(not to exceed 30 workdays without special approval by the City Manager),~~ Charter Appointed Official. in memorandum form, from the supervisor to the employee, also giving the exact dates of the suspension. All suspensions will be in memorandum form from the immediate supervisor to the employee, with ~~must have~~ concurrency by the Human Resources Director and Department Head with ~~and~~ approval by the City Manager/Charter-Appointed ~~ppointed~~ Official. The starting and ending dates of the suspension without pay must be indicated in the memorandum. ~~and~~

- Duties** 5. **Dismissal:** See Procedure on Dismissal (PPP# 80-07).

~~In order to enhance and clarify the actions of all the forms of discipline listed, those requiring a written memorandum should also be verbally explained to and discussed with the employee by the initiating supervisor whenever possible.~~

~~At all levels of discipline, the supervisor should document and securely maintain notes of actions, discussions, etc.~~

~~Prior to suspension or dismissal of any employee, the immediate supervisor must also inform the Human Resources Director of the recommendation for suspension and/or dismissal by way of memorandum. This should be done in accordance with the Procedures on Suspension and Dismissal (PPP# 80-04 or 80-07). This memorandum should include the reasons for the recommendation (the nature of the infraction, times, dates, etc.) and reference to any prior disciplinary action.~~

~~Upon approval of the Human Resources Director, the supervisor will issue a written confirmation of the action to the employee stating the reasons for the action and informing the employee of the right to appeal through the appropriate grievance procedure. Only non probationary, regular employees have the right to such appeals.~~

PPP # 80-00 Policy on Personnel Changes

PURPOSE

The purpose of this Policy is to establish rules for personnel changes.

PRINCIPLES

The following personnel changes may be implemented by the City:

- ~~• Position~~
- Demotion
- ~~• Dismissal~~
- Layoff
- Promotion
- Resignation
- ~~Reinstatement~~ Reemployment
- ~~• Suspension~~
- Transfer
- Retirement

~~Specific reference to related policy issues such as Employment, Reduction in Force, Leave, Benefits, and Retirement can be found in other sections of this Personnel Manual.~~

Personnel Changes

Position

~~The Human Resources Department is responsible for issuing recruitment announcements and advertising for vacant positions utilizing various sources as appropriate. Promotional recruitment announcements are posted conspicuously in each field office and in City Hall. Only current employees of the City who apply will be considered for promotional recruitment. From time to time, certain considerations may restrict those eligible for promotional positions. All applications will be considered for positions advertised as Open Competitive.~~

Demotion

Demotion is the assignment of employees to a lower graded position or to one with a lower rate of pay. Demotion requires the same approval as employment. Demotions may be made for cause or administratively when the City determines such action is necessary. See Procedure on Demotion/Reclassification (PPP# 80-12).

Dismissal

Dismissal is the removal or discharge of an individual from employment in the City service for cause. Additional rules for discipline and dismissal may be found in Policy on Discipline ~~and Dismissal~~ (PPP# 75-00), Procedure on Discipline ~~and Dismissal~~ (PPP# 75-10), and Procedure on Dismissal (PPP# 80-07).

Layoff

Layoff is the reduction in force due to budgetary reasons or due to lack of work necessary to keep the employees gainfully employed. See Procedure on Layoffs (PPP# 80-18).

Promotion

Promotion is the assignment of an employee to a position with a higher salary grade or rate of pay. All interested qualified employees who apply are to be considered for promotion when a vacancy occurs. Promotions are approved as indicated in Procedure to Effect Employment (PPP# 20-00) and Procedure on Promotion/Reclassification (PPP# 80-10).

Resignation

Resignation is the voluntary separation of employees from the City. In order to maintain continuity of City operations, employees intending to terminate employment should give written notice to their immediate supervisor as early as possible in advance of the expected departure date. (See PPP# 80-40 for minimum notification times to resign in good standing.) Employees who have resigned in writing in good standing but have not yet separated employment may, with the consent of their ~~Department Director~~ Department Head or Charter Appointed Official ~~concerned~~ and the Human Resources Director, withdraw the resignation and be restored to the position vacated if it is still vacant.

~~Reinstatement~~ Reemployment

~~A resignation may be withdrawn for up to thirty (30) calendar days after the effective date of the resignation. This may be done by writing to the Human Resources Director. If the Department Director and the Human Resources Director approve, employees may be reinstated to the same position which was held prior to their resignation without regard to the existence of an eligibility list, provided the vacancy still exists.~~

~~If an employee is reinstated within thirty (30) calendar days, any unpaid leave will be restored and the employee will be placed in the same grade and step previously held. The employee will be credited with prior service to the City, excluding the time not in City service, for seniority purposes only. In accordance with the terms of the pension plan all prior credited service with respect to the pension plan may be lost if payout has already occurred.~~

~~After the 30-day period, individuals may continue to apply for positions in any class. However, persons~~ Persons who have previously been employed by the City who have successfully completed a probationary period ~~in a specific class~~ and are re-employed within one year of the effective date of their ~~resignation~~ may be reinstated to their former class and grade and credited with prior service to the City, excluding the time not in City service, for seniority purposes only, with concurrence of the Human Resources Director and approval of the ~~City Manager~~ Charter Appointed Official. If an employee is reemployed within thirty (30) calendar days of the effective date of their resignation, any unpaid leave will be restored, and the employee will be placed in the same grade and step previously held. In accordance with the terms of the pension plan all prior credited service with respect to the pension plan may be lost if payout has already occurred. ~~In accordance with terms of the pension plan, all prior credited service with respect to the pension plan will be lost.~~ Those persons returning after one year will start as new employees. Those persons returning in another class position will serve the required probation.

Union-represented employees shall be treated in accordance with the terms of the collective bargaining agreement. See Procedure to Effect Employment (PPP# 20-10).

Suspension

~~Suspension is the administrative and supervisory action taken to remove employees from active duty and pay status (Leave Without Pay) for a period not to exceed 30 days pending investigation of cause for dismissal, or as a disciplinary measure for misconduct or negligence on the part of employees.~~

Transfer

Transfer is the assignment of an employee from one position to another position having the same class, rate of pay, or grade. Transfers are approved the same as employment and may be made to accommodate the needs of the City or the employee. In a transfer there is no change in compensation. (Procedure on Transfer (PPP# 80-15).)

Retirement

Refer to PPP#130-00

PPP # 80-04 Procedure on Suspension

PURPOSE

This Procedure implements the section on Suspension as described in the Policy on Personnel Changes (PPP# 80-00).

GENERAL RULES

Authority

~~Suspension may be imposed by the Human Resources Director as designated by and with the approval of the Appointed Official/City Manager upon recommendation of the employee's immediate supervisor or a person in a position of equivalent or higher authority within the same department who would normally be authorized by that Department's Director to take such action. In the event of any doubt as to whether such authority exists for any specific situation, the appropriate Appointed Official, Department Director and/or the Human Resources Director should be consulted.~~

~~If necessary to establish such authority, the Appointed Official, Department Director and/or the Human Resources Director should be consulted. In each case, written notice of the suspension signed by the respective Appointed Official or Department Director concerned or his or her designee and approved by the Human Resources Director. The City Manager's approval is required for suspension of employees directly or indirectly reporting to the City Manager, and the City Manager, together with tThe reasons set forth and the period of duration, shall be given to the suspended employee. A copy of the notice to the employee shall also be forwarded to the Human Resources Department for filing in the employee's personnel folder.~~

Process

~~1. The person initiating the suspension will prepare a notice addressed to the employee to be suspended. The memorandum will include the reason for the suspension and the period of suspension and must be approved by the Appointed Official or Department Director and , the Human Resources Director, and the City Manager.~~

~~2. Once approval is obtained, the initiator will distribute the suspension notice as follows:~~

- ~~a. The original will be given to the employee suspended.~~
- ~~b. A copy will be given to the Human Resources Director.~~
- ~~c. A second copy will be given to the employee's shop steward, if appropriate.~~
- ~~d. A third copy will be retained by the originating office.~~

~~3. The initiator of the suspension will then indicate the suspension, marking the employee's absence as "Leave Without Pay" for the duration of the period of suspension on the attendance time sheet. (See Procedure on Leave Without Pay (PPP# 120 70) for recording Leave Without Pay).~~

~~4. Upon receipt of a copy of the notice of suspension, the Human Resources Director will generate an Action Paper and will file the copy in the employee's personnel folder.~~

~~5. Under certain conditions (when keeping the employee on duty could adversely affect the health and~~

~~welfare of other employees and City operations), a supervisor may orally notify the employee of the suspension. In such cases, the oral notification will be confirmed by written notice as soon as practicable (in accordance with Paragraphs 1 and 2, above) and by sending written notice to the employee's last known mailing address and the employee's personal email account (if known).~~

PPP # 80-07 Procedure on Dismissal

PURPOSE

This Procedure implements the section on Dismissal as described in the Policy on Personnel Changes (PPP# 80-00).

SCOPE

This Procedure applies to the dismissal of regular, non-probationary City employees. See Policy on Employment (PPP# 20-00) for rules regarding other employees.

GENERAL RULES

Causes for Dismissal

Employees may be dismissed if their performance fails to meet the City's expectations or their actions have been contrary to the best interests of the City. Reasons for dismissal may include, but are not limited to, the types of improper conduct listed in the Policy on Employee's Code of Conduct (PPP# 180-00).

Notice of Dismissal and Informal ~~Hearing~~ Meeting

An employee shall be notified of the City's intent to dismiss him or her by a Notice of Dismissal, which shall include the infraction, disciplinary action taken, and any applicable appeal rights.

A regular, non-probationary employee has a right to have an informal pre-dismissal ~~hearing~~ meeting prior to dismissal. If an employee makes a request within one working day after his or her receipt of the Notice of Dismissal, his or her Charter Appointed Official or Department Director ~~Department Head~~ or designee shall schedule a pre-dismissal ~~hearing~~ meeting to discuss the infraction and proposed dismissal. The ~~hearing~~ meeting shall be informal. After completion of the informal ~~hearing~~ meeting, the Charter Appointed Official or Department Director ~~Department Head~~ shall notify the employee and the Human Resources Director in writing of the results of the informal ~~hearing~~ meeting. The Charter Appointed Official or Department Director ~~Department Head~~ may rescind, modify, or affirm the disciplinary action as a result of the ~~hearing~~ meeting.

~~Under certain conditions (when keeping the employee on duty could adversely affect the health and welfare of other employees and City operations), a supervisor may orally notify the employee of suspension from duty. In such cases, the oral notification will be confirmed by written notice as soon as practicable (in accordance with the Procedure on Suspension (PPP# 80-04) and the Policy and Procedure on Discipline and Dismissal (PPP# 75-00 and 75-10) and by sending written notice to the employee's last known mailing address and the employee's personal email account, if known.~~

Payment of Wages

The City will pay all earned wages on the next regularly scheduled payday. ~~and Any~~ accrued Annual Leave due employees on the next regularly scheduled payday will normally be paid at a later date within 30 days.

Documentation

When an employee is dismissed, documentation must be prepared to support the reasons for the dismissal. ~~(e.g., statements of witnesses, examples of unsatisfactory work, prior disciplinary actions taken against the employee, etc.).~~

Appeal of Dismissal

Non- AFSCME represented regular E employees who believe they were wrongfully dismissed may appeal the dismissal by filing a grievance under the administrative grievance procedure (see Procedure on Grievances, PPP# 160- 10). Represented regular employees may appeal the dismissal pursuant to the ~~or under the~~ terms

of the ~~appropriate~~ collective bargaining agreement. Such appeal is separate from any informal pre-dismissal hearing~~meeting~~.

~~Coordination with Human Resources Department~~

~~Except when otherwise ordered by the City Manager, all proposed dismissals must be approved by the Human Resources Director to ensure that sufficient cause and necessary documentation have actually in advance been established for such action. Human Resources may initiate action regarding the dismissal or other appropriate discipline of an employee.~~

~~Appointed Official City Manager Approval~~

~~Approval of the Appointed Official City Manager is also required for dismissal of employees.~~

~~Dismissal Action Process~~

~~1. When dismissal action is to be initiated for a regular, non-probationary employee, the employee's immediate supervisor will:~~

~~a. advise the respective Appointed Official or Department Director concerned of the employee's unsatisfactory performance or conduct as soon as possible, and~~

~~b. present documentation to support the charges made, including copies of all progressive disciplinary actions taken. (See PPP # 75-10.)~~

~~2. The Appointed Official, Department Director or designee shall review the supervisor's charges to determine if dismissal of the employee is warranted.~~

~~3. The Human Resources Director or designee shall review the matter to determine if dismissal of the employee is warranted.~~

~~4. If the review indicates that dismissal of the employee is justified, the Appointed Official, Department Director or designee will prepare a letter of dismissal to have concurrence by the Appointed Official, Department Director and the Human Resources Director, and approval by the City Manager. The letter must contain the following information:~~

~~a. Reason(s) for dismissal (cite previous warnings and disciplines).~~

~~b. Effective date of dismissal.~~

~~c. Right of appeal available to employees.~~

~~5. After the Department Director, Human Resources Director, and Appointed Official City Manager have signed the letter, the immediate supervisor will distribute the copies as follows:~~

~~a. Give the original letter to the employee, or if the employee is not available, send it by overnight mail to the employee's last known home address and, when available, by email to the employee's personal email account.~~

~~b. Send a copy of the letter, and copies of all necessary documentation to support the dismissal to the Human Resources Director. The Human Resources Department will then prepare an action paper, obtain the necessary signatures, and send a copy of the action paper to the Payroll Division.~~

~~c. Retain in the department files a copy of the letter and the originals of all documentation to support the dismissal.~~

~~d. Give a copy of the letter to the employee's shop steward if the employee is covered by a collective bargaining agreement.~~

~~6. The Human Resources Director will ensure that the employee's file is placed in an inactive status and that the proper notification is given to the former employee concerning all rights and benefits.~~

~~7. The Payroll Division will:~~

~~a. Compute and process for payment any wages or monies due upon dismissal, less any monies owed the City; and~~

~~b. When ready, and at the former employee's option, send the check to the employee by overnight mail or make arrangements for the employee to pick up the check personally.~~

Special Cases

~~In cases that involve personnel reporting directly to the City Manager, the City Manager will perform the functions which normally are carried out by Department Directors.~~

PPP # 80-10 Procedure on Promotion/Reclassification

PURPOSE

This Procedure implements the section on Promotions as described in the Policy on Personnel Changes (PPP# 80-00). This procedure does not apply to any recommendations or adopted findings resulting from a classification and compensation study.

GENERAL RULES

Compensation

1. If non- ~~AFSCME~~~~represented~~ employees are promoted from a position in one pay scale to another position in the same pay scale, they shall receive an increase in their pay as follows, but no more than the top of the new grade:

One grade increase = 5.0% pay increase
Two grade increase = 7.5% pay increase
Three grade increase = 10.0% pay increase
Four grade increase = 12.5% pay increase
Five grades or above = 15.0% pay increase.

2. If non- ~~AFSCME~~~~represented~~ employees are promoted from a position in one pay scale to a position in a different pay scale, they shall receive a 5% pay increase from their previous pay.

3. Upon completion of a required six-month promotional probationary period, non- ~~AFSCME~~~~represented~~ employees will be eligible for an additional 3.5% increase.

4. When ~~represented~~ ~~AFSCME~~ ~~employees or sworn police officers~~ ~~employees, (AFSCME or police)~~ are promoted from one position to another within their pay scale, they ~~shall~~ will receive an increase which is at least equal to a one-~~step~~ increase. ~~in their previous pay.~~

Upon completion of a required six-month promotional probationary period, AFSCME represented employees will be eligible for an additional one-step increase. ~~;~~ ~~and~~

5. The anniversary date of successful completion of the promotional probationary period shall be considered the new increment anniversary date. Employees will be eligible for salary increments only on their increment anniversary date.

Processing Approval of Promotions Process

~~1. The immediate supervisor will request through the Department Director, that the position be filled, using a Personnel Requisition Form (see PPP# 80-30).~~

~~2. The Human Resources Department will furnish the immediate supervisor with an Eligibility List, which lists all qualified applicants and states the EEO category relating to the Affirmative Action Plan goal.~~

~~3. The immediate supervisor will then:~~

- ~~a. work together with the responsible Human Resources Administrator to make a selection to fill the vacancy;~~
- ~~b. sign the Eligibility List in the space provided; and~~
- ~~c. send the Eligibility List and all interview related materials to the Department Director for approval.~~

~~4. The Appointed Official or Department Director will sign the Eligibility List, and forward it and all related materials to the Human Resources Director, including the salary and the effective date of the action. (Under no circumstances will effective dates for promotions be made retroactively.)~~

~~Special Cases~~

~~For promotions to an administrative position Grade 23 or above, approval by the City Manager is required. In such cases, the Department Director will send the Eligibility List to the City Manager for approval before forwarding all related materials to the Human Resources Director.~~

~~Probationary Period~~

~~All promoted employees are required to serve a six month probationary period. If, for any reason, employees are returned to their former position during the probationary period, their compensation and increment anniversary date will revert to what it was immediately before the promotion commenced (see Procedure to Effect Employment (PPP# 20-10)).~~

~~Reclassification~~

~~When an existing filled position is reclassified to a higher salary-grade, the policies and procedures for adjusting wages applied are the same as those for promotion except for the probationary period. However, the incumbent will not be required to serve a probation, and the anniversary date for increment purposes remains as it was prior to the reclassification.~~

PPP # 80-12 **Procedure on Demotion/Reclassification**

PURPOSE

This Procedure implements the section on Demotions as described in the Policy on Personnel Changes (PPP# 80-00).

GENERAL RULES

Reasons for Demotion

Demotions to a lower graded position or to one with a lower hourly rate can be made for cause, administratively, or voluntarily, ~~when an employee applies for an open position in accordance with Policy on Employment and Procedure to Effect Employment (PPP# 20-00 and 20-10).~~

Employees Demoted for Cause

Employees demoted for cause shall be placed in the lower salary graded position at their present salary, or at the maximum salary for the new grade, whichever is less, as determined by the ~~Department Director~~ Department Head or Charter Appointed Official, concurred ~~within~~ by the Human Resources Director, and approved by the Charter Appointed Official ~~City Manager~~. Employees demoted for cause will be placed on probation for an amount of time specified at the time of the demotion. Employees will be taken off probation ~~by way of a memo outlining satisfactory performance during the probationary period~~ as outlined in the Policy and Procedure on Performance Evaluation (PPP# 40-00 and 40-10).

Employees Demoted Administratively or Voluntarily

Employees demoted administratively or voluntarily shall receive their present salary or the maximum salary authorized for that lower class if the maximum is the same or less than their present salary.

Employees demoted administratively or voluntarily will be placed on probation in their new position for six months, or the remainder of their initial probationary period, whichever is longer.

Employees Demoted to an Hourly Rate of Pay Position

~~Employees demoted to an hourly rate of pay position (temporary) shall receive the new lower rate of pay and shall become temporary employees, losing all rights and benefits afforded a regular merit employee. These employees placed in temporary status shall be paid any wages and accrued Annual Leave due at the time of the demotion. The City will subtract from this amount any debt to the City as outlined in the Procedure on Dismissal (PPP# 80-07).~~

Salary Increments

~~Employees will be eligible to receive salary increments until the maximum pay of the new lower salary grade is reached in accordance with Procedure on Performance Evaluations (PPP# 40-10).~~

Process

~~1. The person initiating the demotion will prepare a written notice addressed to the employee demoted. The memorandum will include the reason for the demotion, the new position to be held, and the salary grade and step or hourly rate of pay to be received by the employee. This memorandum must be concurred in with by the Appointed Official, Department Director and the Human Resources Director. Demotions of employees directly or indirectly reporting to the City Manager require the City Manager's approval, and approved by the City Manager.~~

~~2. Once approval is obtained, the initiator will distribute copies of the demotion notification as follows:~~

- ~~a. The original will be given to the employee demoted.~~
- ~~b. The first copy will be given to the Human Resources Director.~~
- ~~c. The second copy will be given to the employee's shop steward in the case of AFSCME represented employees.~~
- ~~d. The third copy will be retained by the originator.~~

~~3. Upon receipt of a copy of the notice of demotion, the Human Resources Director will generate an action paper and will file a copy in the employee's personnel folder.~~

Reclassification

When an existing filled position is reclassified to a lower salary grade, an employee's pay will remain the same unless the employee's pay is greater than the maximum pay under their new pay grade. In those instances, the employee will be paid the maximum of their new pay grade. ~~will not suffer any decrease in pay.~~ No probationary period will be served, and the anniversary date for increment purposes remains as it was prior to the reclassification.

PPP # 80-15 Procedure on Transfers

PURPOSE

This Procedure implements the section on Transfers as described in the Policy on Personnel Changes (PPP# 80-00).

GENERAL RULES

Guidelines

Employees are usually hired to fill particular positions in a specific section or location. However, the City has the right to transfer or assign employees to any position, office, or location that the need or best interest of the City dictates.

Transfers may be temporary or permanent.

In a transfer, there is no change in compensation or ~~increment~~ anniversary date.

Employees who are administratively transferred because of inability to perform the duties of a position ~~in a specific location~~ may be placed on probation following the transfer.

No probationary period will be required for employees transferred in the same class-position solely to meet operational needs ~~or for personal reasons~~ unless they are on probation in their current position, in which case they will be required to remain in such status for the duration of the probation, or six months, whichever is longer, in the new position.

Approvals required for transfer are the same as for employment (see Policy and Procedure on Employment, PPP# 20-00 and 20-10).

Transfers Within a Department

1. ~~Appointed Officials Charter -Appointed Officials or Department Director~~ Department Heads may ~~aeffect~~ transfers as required within their respective departments.
2. ~~Upon determining that a transfer will take place within a department, the~~ The Charter Appointed Official or Department Director ~~Department Head~~ will approve all transfers within their department ~~indicate approval (either orally or in writing) to the sending and the receiving supervisors.~~
3. The immediate supervisor of the position that the employee is leaving will then send a memorandum to the employee(s) concerned indicating the reason for transfer, effective date of the transfer, and the new location. A copy of this memorandum will be forwarded to the Human Resources Department for filing in the employee's personnel file.

Upon receipt of the memo, the Human Resources Department will update its records and prepare the necessary action paper indicating the change in the cost allocation as well as any other changes required as a result of the transfer. ~~Based on the reason for transfer it will be determined whether the employee will be required to serve an additional probationary period.~~ Once all signatures have been obtained, the action paper will then be forwarded to the Payroll Division for processing.

Transfer Between Departments

1. ~~Transfer between departments can occur to best meet the needs or interest of the City or when an employee has applied for and been selected to fill a vacant position in a different department in accordance with the Policy on Employment (PPP# 20-00) and Procedure to Effect Employment (PPP# 20-10).~~ The Charter Appointed Official(s) will approve all transfers between departments in writing. Employees who transfer between departments may be required to serve a probationary period.
2. ~~Upon receipt of the memo from the department stating an employee was selected to fill a vacant position, the Human Resources Department will update its records and prepare the necessary action papers. If an employee is filling a position in a different class as a result of this selection, a six-month probation will be served. However, in accordance with the Policy on Performance Evaluation (PPP# 40-00), the employee's salary increment date will remain unchanged.~~

PPP # 80-18 Procedure on Layoffs

PURPOSE

This Procedure implements the section on Layoffs described in the Policy on Personnel Changes (PPP# 80-00).

GENERAL RULES

Selection of Employees to Be Laid Off

Regular non- ~~AFSCME~~represented employees may be laid off when required for the good of the public service. Reasons for layoff include, but are not limited to, shortage of funds, lack of work, the abolishment of a

position, or other business reasons unrelated to the employee's job performance. These criteria apply regardless of whether the layoff is made on a Citywide, departmental, divisional or sectional basis.

In applying a layoff to Union represented positions, the provisions of the Agreements between the City and AFSCME Local 1453 should be followed.

The duties performed by any employee laid off may be reassigned to other employees in an appropriate class.

Layoff Criteria

When a layoff has been approved by the Mayor and Council ~~and~~, the affected class or classes of employees has been determined, regular non- ~~AFSCME~~represented employees will be selected for layoff based upon the needs of the City. ~~'s determination of the skills and experience required for the duties to be performed after the layoff is conducted.~~ An employee's length of service will be a factor in determining whether or not the employee shall be laid off, but it is not necessarily the determining factor.

Notification

All employees who are to be laid off will be given a minimum written 30 calendar days' notice clearly stating the effective date of the layoff and the reason for the layoff. The employees will also be furnished information concerning their benefits by the Human Resources Department.

Re-employment List

Employees laid off from the City of Rockville will be given priority consideration for vacancies within their job class that occur within twelve (12) months of the effective date of the layoff.

The City may fill a vacant position in a class for which a re-employment list exists by ~~either~~ offering the position to a person on the re-employment list ~~(consisting of individuals laid off in that class within the last 12 months) or by promoting an eligible employee~~. Where a person on the re-employment list has qualifications equal to or better than other applicants for the same position, the person on the re-employment list shall be selected.

An employee's name will remain on a re-employment list for 12 months from the date of layoff, but will be removed from the list if that employee:

- Accepts another City position;
- Refuses a job offer made from a re-employment list for a job at the same ~~salary grade or~~ rate class or higher; or
- Fails to respond within ~~seven~~ fifteen calendar days to a letter from the City of Rockville concerning re-employment.

Employees Who are Rehired After a Layoff

The following rules apply to employees who:

- Were laid off from a regular class; and

- Are rehired into a regular class; and
- Are rehired within 12 months of being laid off.

Physical Examination

For jobs which require a pre-employment physical examination, Employees may be required to pass a physical examination prior to being rehired.

Probation

Employees who are rehired from a re-employment list into their former class will not be required to serve a probationary period provided they have successfully completed a probation within that class. If appointed to a different class, they must serve a probationary period.

Credit for Prior Service

When rehired, employees recalled to regular positions within twelve (12) months of their layoff will be credited with prior service for the purpose of calculating seniority, longevity, and vacation leave. If employees are rehired within twelve (12) months, they also will be credited with prior service in grade for the purpose of determining length of continuous service in one level of a salary grade. Those re-employed after being laid off in excess of twelve (12) months shall be considered as new employees. Terms of retirement benefits and credited service will be as defined in the retirement plan.

Sick Leave

When rehired, ~~employees recalled to regular positions~~ within twelve (12) months of their layoff, employees will be credited with any sick leave balance at their time of layoff.

Salary

If employees are rehired in the same class within twelve (12) months of their layoff, then they will be placed in the same grade and rate of pay they held at the time of the layoff. If they accept a job in a class which has a lower salary grade than their former class, the action will be considered a voluntary demotion and the rules for demotion will determine salary.

If employees accept a job in a class which has a higher salary grade than their former class, their action will be considered a promotion and the rules for promotion will determine salary.

PPP # 80-40 Procedure for Clearance of Resigning Employees

PURPOSE

This Procedure implements the section on Resignation described in the Policy on Personnel Changes (PPP# 80-00).

SCOPE

This procedure applies to all employees (temporary and regular) who terminate employment with the City. This Procedure must be adhered to in order to receive clearance and pay following resignation, dismissal, reduction in force, retirement, death, or termination of employment for any other reason.

GENERAL RULES

Process

1. Employees who expect to leave the services of the City will notify their immediate supervisors as soon as possible in advance of the anticipated termination of employment. ~~Appointed Officials~~ Charter -Appointed Officials, Department Director Department Heads and contract employees must give notice as outlined in their employment contracts. ~~Division head level employees must give 30 days' written notice to leave the~~

~~City in good standing.~~ All other employees must give at least two week's' notice to leave the City in good standing. This notification will be given to the Human Resources Department and an action paper will be processed and submitted to the Payroll Division. **NOTE:** If employees terminate without prior notification, (e.g., immediate resignation, dismissal, etc.) supervisors will follow this procedure as soon as possible after the termination. ~~If immediate supervisors want the position to be filled again, they will submit a Personnel Requisition Form (see PPP# 80-30).~~

~~2. The employee's leave balances as of the end of their last day of employment will be summarized by the City's Payroll Division.~~

~~3-2.~~ The immediate supervisors are also responsible for the following actions:

a. If terminating employees had access to computer systems, immediate supervisors will notify the Information Technology Department, who will take action to deny access to the system for the employees; and

b. On the last day that employees are present for work, immediate supervisors ensure that any articles which belong to the City, such as keys, uniforms, identification card, credit cards, registration cards, etc., are returned. ~~If employees were issued any tools and/or equipment for which they were responsible, supervisors will follow the procedure for receipt of returned equipment as covered in the Procedure on Tools and Equipment (PPP# 85-10).~~

~~4-3.~~ If employees have any outstanding financial obligations to the City, such as travel advances, petty cash advances, or payback of Tuition Reimbursement, the Director of Finance or designee will take steps necessary to recover funds or property belonging to the City.

~~5-4.~~ Employees may contact the designated Benefits Manager, or designee, to request ~~will receive~~ notice of an exit interview and receive instructions as to their rights and privileges concerning benefits.

PPP # 85-00 **Policy on Tools and Equipment**

PURPOSE

~~The purpose of this Policy is to develop an accountability system for all tools and equipment owned and leased by the City and assigned to employees.~~

PRINCIPLES

~~Supervisors are responsible for the safekeeping and accountability of all tools and equipment assigned to their locations or staff, although final responsibility for tools and equipment rests with the individual employee to whom it is assigned.~~

~~Employees will be charged appropriately for replacement or repair of equipment lost or damaged through neglect or misuse while in their possession. Should damage or loss occur due to neglect or misuse, the responsible employee will be charged accordingly for the item as outlined in The Procedure on Tools and Equipment (PPP# 85-10). The employee will have the option of paying directly or having payroll deductions made according to The Procedure on Tools and Equipment (PPP# 85-10).~~

~~Failure of the employees to reimburse the City may cause disciplinary action to be taken, up to and including suspension and/or dismissal. The employees will be notified in writing by the immediate supervisors of any problems concerning tools and equipment.~~

~~Loss of City property will be reported promptly in accordance with the Procedure on Tools and Equipment (PPP# 85-10), or reported according to the Procedure on Reporting Incidents Involving Property Loss or Personal Injury (PPP# 205-10).~~

PPP # 85-10 **Procedure on Tools and Equipment**

PURPOSE

This Procedure implements the Policy on Tools and Equipment (PPP# 85-00).

GENERAL RULES**Schedule for Replacement of Lost or Damaged Tools and Equipment**

~~Tools and equipment less than one year old shall be repaid at the current replacement cost or current market value, whichever is less. Tools and equipment that are one year old, but less than two years old, shall be repaid at 75% of the current replacement cost or current market value, whichever is less. Tools and equipment two years old or older, shall be repaid at 50% of the current replacement cost or current market value, whichever is less. Equipment such as keys and computers for which the City may incur a service cost to rekey or reconfigure, shall be repaid at the full cost. Any tools and equipment that are depreciated by the City shall be repaid at the value established by the City. In the case of repair, the charge will not exceed the cost to replace the tool or piece of equipment. Upon separation of an employee from the City for any reason, the employee's supervisor will account for all tools, property and equipment in the possession of that employee. Any tools, property, or pieces of equipment not returned or damaged due to misuse or neglect by the employee must be documented by the supervisor immediately so that appropriate arrangements for repayment may be made.~~

Recording Assignment of Tools and Equipment

~~Tools and equipment that are assigned to employees will be recorded by the supervisor or designee. The exact method for recording these transactions is at the discretion of the supervisor, but it is recommended that a written record of tool and equipment issuances and returns be kept. When a tool or piece of equipment is returned by employees, the supervisor or designee shall inspect the item for damage. Any employee who observes a loss of or damage to City owned or leased property should report the occurrence to the responsible supervisor immediately.~~

Memorandum Regarding Repair or Replacement

~~If tools and equipment belonging to the City are lost or damaged through neglect or misuse, the supervisor of the responsible employee will prepare a memorandum to the responsible employee indicating the charges for repair or replacement. The cost of replacement should be determined through consultation with the Finance Department. The memorandum will be forwarded to the Appointed Official or Department Director or designee who will review the memorandum, and if in agreement, initial and approve the charge. Upon approval by the department, arrangements should be made for payment by sending a copy of the letter to the Director of Finance to effect the payment. A copy of the approved memorandum will go to the employee being charged.~~

Payment

~~Employees must make cash payment for such charges to the City of Rockville within two weeks from the date that the memorandum was approved by the Appointed Official or Department Director. If the employee is unable to pay the entire amount due within the two week period, the Director of Finance will effect a payment schedule, with payments to be made on each successive payday following the determination of the charge. The minimum payment allowed shall be \$10.00 or 10% of the item's value (whichever is greater) per pay period. In cases where the monies involved are extraordinary, then alternate payment schedules may be arranged through the Human Resources Director.~~

Separation

~~Upon separation of an employee from the City for any reason, the employee's supervisor will account for all tools property and equipment in the possession of that employee. Any tools, property, or pieces of equipment not returned or damaged due to misuse or neglect by the employee, must be documented by the supervisor immediately so that appropriate arrangements for repayment may be made~~

**PPP # 120-00
Policy on Leave****PURPOSE**

The purpose of this Policy is to set forth the types of leave and benefits granted by the City to its employees.

SCOPE

Leave and benefits provided under this Policy are available to regular full-time employees and regular part-time employees on a prorated basis. Employees represented by AFSCME Local 1453 will be governed by the terms of their collective bargaining agreement.

Persons employed on a temporary basis are not eligible for the leave or benefits set forth in this Manual unless required by law. Eligibility for contractual employees will depend upon the terms and conditions of their contracts.

PRINCIPLES

Responsibilities

The Human Resources Director is responsible for the interpretation and administration of the policy, ~~and general monitoring of employee's leave.~~

~~Appointed Officials~~ Charter - ~~Appointed Officials or Department Director~~ Department Heads are responsible for the administration of the leave policy within their respective departments and ensuring that leave is not abused.

Immediate supervisors are responsible for granting leave and ensuring that leave is not abused.

Employees are responsible for requesting leave appropriately and providing any necessary documentation.

Active Pay Status

Regular employees of the City earn Annual and Sick Leave for each completed ~~month of service~~ pay period while in active pay status. An active pay status is one in which the employee receives ~~remuneration~~ pay for either actual hours worked or other forms of leave.

Transfer Between Jobs

Employees who transfer between regular City jobs will retain existing leave balances.

Absences Without Approval

An employee who is absent without approval will not be paid for the unapproved absence. ~~is placed on a Leave Without Pay status.~~

Conversion of Time

An employee may not convert one type of leave to another type of leave once ~~recorded on the time sheet~~ approved in the time and attendance system, without the supervisor's approval. ~~In no event may employees convert Annual Leave to Sick Leave.~~

TYPES OF LEAVE

1. Administrative Leave

Administrative Leave is paid leave granted to ~~certain~~ employees ~~so~~ designated to receive such leave ~~during inclement weather emergencies~~. Administrative Leave is not charged against any other form of paid leave.

2. Holiday Leave

The official paid holidays observed by the City are as follows:

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Memorial Day
-
-
-
-
-
-

Independence Day
 Labor Day
 Veterans' Day
 Thanksgiving Day
 Thanksgiving Friday
 Christmas Day

Holidays which fall on Saturday will be observed the preceding Friday, and holidays which fall on Sunday will be observed the following Monday.

In addition to the above, all ~~Federal election~~~~general and Congressional election~~ days will be observed as holidays.

If ~~the~~an official observed city holiday falls on the regularly scheduled day off ~~of an employee who has fixed scheduled days off~~ other than

Saturday or Sunday, the next scheduled working day will be considered as that employee's official holiday. They may either be given the next scheduled day after the holiday off with pay or work the day after and be given the holiday pay plus time and a half pay or comp time for all hours worked in accordance with the Procedure on Overtime (PPP# 60-30).

For those employees with days off that are not fixed, such as those working rotating or irregularly scheduled shifts, if a holiday falls on their day off, it will be observed on that day and not the next scheduled working day. They will receive the straight time holiday pay plus time and a half or comp time for all hours worked in accordance with the Procedure on Overtime (PPP# 60-30).

Employees who do not work on the holiday shall receive straight time for the holiday in addition to pay for all hours worked within that week.

~~Refuse Workers~~

~~Refuse workers are required to work all days except Christmas Day.~~

Police Officers

Police Officers working on Christmas Day, New Year's Day, and/or the Fourth of July and/or the respective designated city substitute holiday will be compensated at their regular rate of pay for all hours worked on the actual holiday or substitute holiday. When a police officer works both the holiday and the substitute holiday, the Officer will earn overtime pay or the equivalent compensatory time for one of these days. All hours in excess of the normal workweek are compensated in accordance with ~~The~~the Procedure on Overtime (PPP# 60-30).

Employees Subject to Collective Bargaining Agreements

Union-represented employees and certain designated non-union represented employees shall observe holidays as outlined in the collective bargaining agreement between AFSCME Local 1453 and the City.

Eligibility

~~1. Regular employees will be authorized pay for all of the official holidays observed by the City.~~

21. To be eligible for holiday pay, a regular employee must be in an active pay status for a full day on the last scheduled workday before and for a full day on the first scheduled workday after the holiday.

23. Temporary employees are not entitled to holiday pay.

~~Recording Holiday Leave~~

- ~~1. Union-represented employees will record the payroll code for holiday on the time sheet. A Scale and Police employees record holidays as regular hours.~~
- ~~2. The supervisor will attest to the holiday by signing the time sheet and forwarding it to the Payroll Division for processing.~~
- ~~3. For recording time worked on holidays by regular employees, see the Procedure on Overtime (PPP# 60-30).~~

3. Annual Leave

~~Subject to approval, Annual Leave~~ may be used as it accrues for any reason and is to be requested ~~and approved by the employee's immediate supervisor~~ at least three (3) working days in advance whenever possible.

~~Unscheduled use of Annual Leave (which is leave requested with less than three working days' advance notice) may be taken only in an emergency. Unscheduled use of Annual Leave may be subject to verification and may be denied if a pattern of abuse develops, or abuse is suspected.~~

Annual Leave, properly requested, shall not be unreasonably denied. However, the City's operational needs are always the foremost consideration in granting or denying a leave request. Unscheduled use of Annual Leave may be denied if a pattern of abuse develops, or abuse is suspected. Leave abuse is subject to disciplinary action.

Use of Annual Leave by employees in AFSCME Local1453 is governed by the terms of their collective bargaining agreement.

Accrual

~~Annual Leave accrues on an employee's monthly anniversary date after one month of regular service.~~ Annual Leave for regular employees is accrued in accordance with the schedule below, provided that the employee has been in Active Pay status for more than 15 days of each month. If the employee is in Active Pay status for 15 days in a month, the employee will accrue an additional 1/12th of the annual leave accrual on their monthly anniversary date. Employees may also receive a lump sum amount of credited Annual leave in accordance with the Performance Management ~~High-Performance Organization~~ Pay System.

Accrual Schedule

Length of Service	Annual Accrual Hours- (37.5-hour)	Annual Accrual Hours- (40-hour)
1 to 24 months (16 days)	120	128
25 to 60 months (19 days)	142.5	152
61 to 96 months (21 days)	157.5	168
97 or more months (23 days)	172.5	184

1. Temporary employees do not accrue Annual Leave. Part-time regular employees accrue a pro-rated amount based on their base budgeted hours.
2. Annual Leave for contractual employees is dependent upon the terms of their respective contracts.
3. There is a maximum carryover limit of the equivalent of 50 days for 375 hours of Annual Leave ~~(37.5 hours for employees working a normal schedule of 37.5 hours per week and 400 hours of Annual Leave for employees working a normal schedule of 40 hours per week).~~ Employees may not carry over more than this-50-day ~~their Annual Leave~~ limit into any subsequent year. Any Annual Leave in excess of the is-50-day limit as of December 31st of each year will be credited to the employee's Sick Leave balance, provided the employee has used and/or converted two weeks of Annual Leave during that year. If the employee has not used and/or converted two weeks of Annual Leave during the year, the excess leave will be forfeited.

- 4. Annual Leave may be requested in one-quarter (1/4) hour increments.
- 5. Any legal or declared holiday falling during an Annual Leave period will not be counted as Annual Leave. However, in the event of an early closing while the employee is absent, the employee will be charged a full Annual Leave day.
- 6. After six (6) months of service, employees shall be paid for any accrued but unused Annual Leave (under 50 equivalent days) upon separation from the City. Leave will be paid at the employee's rate of pay at the time of separation.
- 7. Annual Leave will not be advanced; employees may only use accrued leave.
- 8. The abuse of leave shall be cause for disciplinary action.

Requesting Annual Leave

Except in case of emergency, employees desiring to take Annual Leave must submit a request for leave to their supervisor at least three (3) workdays prior to the date that the leave is to be taken. The supervisor then approves or denies the request and records leave taken on the [electronic time sheet](#) as submitted to the Payroll Division for the appropriate pay period.

Unscheduled use of Annual Leave (which is leave requested with less than three working days' advance notice) may be taken only in an emergency. Unscheduled use of Annual Leave may be subject to verification and may be denied if a pattern of abuse develops, or abuse is suspected.

In cases of emergency, prior approval for Annual Leave need not be obtained if it is not possible to do so, but the absence and the reason therefore must be reported to the supervisor within ten minutes after the employee's designated reporting time.

The City's operational needs are always the foremost consideration in granting or denying a leave request.

Recording Annual Leave

The Payroll Division will record for attendance purposes all Annual Leave. Annual Leave may be used in 1/4-hour units.

Annual Leave Conversion

Subject to Mayor and Council approval, Regular employees, if they elect, may convert a maximum of 5 days of Annual Leave days for taxable cash or deferred compensation at their current rate of pay on or about the last week in December of each year. When electing to participate in the Annual Leave Conversion Program, employees must retain a minimum annual leave balance equivalent to 5 days.

Forms are available during Open Enrollment. To be eligible:

<u>Minimum Annual Leave Days Available</u>	<u>Maximum Days That May be Converted</u>
<u>10</u>	<u>5</u>
<u>9</u>	<u>4</u>
<u>8</u>	<u>3</u>
<u>7</u>	<u>2</u>
<u>6</u>	<u>1</u>

Payment Upon Separation

Regular employees with over six (6) months of job service who separate from service shall be entitled to payment of Annual Leave balances. Employees with less than six (6) months of service shall not be entitled to

such payment.

~~Family and Medical Leave~~

~~Annual Leave will be granted for approved Family and Medical Leave purposes in accordance with laws concerning the Family and Medical Leave Act.~~

~~Annual Leave Conversion~~

~~Regular employees, if they elect, may convert a maximum of 5 days of Annual Leave days for taxable cash or deferred compensation at their current rate of pay on or about the last week in December of each year. When electing to participate in the Annual Leave Conversion Program, employees must retain a minimum annual leave balance equivalent to 5 days.~~

~~Forms are available during Open Enrollment. To be eligible:~~

Minimum Annual Leave Days Available	Maximum Days That May be Converted
10	5
9	4
8	3
7	2
6	1

4. Sick Leave

Sick Leave may be taken whenever an employee is unable to come to work because he or she is medically incapacitated or is being treated by a health care provider.

Eligibility

All regular City employees are eligible for Sick Leave. Use of Sick Leave by employees in AFSCME Local 1453 is governed by the terms of their collective bargaining agreement.

Responsibilities

- The Human Resources Director is responsible for the interpretation and administration of the policy and general monitoring of employee leave. ~~Department Director~~ Department Heads are responsible for the administration of leave policy within their respective departments and ensuring that leave is not abused.
- Immediate supervisors are responsible for granting leave and ensuring that leave is not abused.
- Employees are responsible for requesting leave appropriately and providing necessary documentation.

Process

1. Employees who are to be absent due to injury or illness must notify their supervisor or the supervisor's designee within two (2) hours of their assigned reporting time at the beginning of the scheduled shift. In case of a preplanned and approved absence due to hospitalization or prolonged illness, ~~a Medical Certification Form~~ appropriate medical documentation completed by the physician stating the term of required absence will substitute for the daily call-in; such documentation should be provided directly to the Human Resources Director or designee. All such absences will be recorded on the electronic time sheets.

2. All regular full-time employees will earn 1 1/4 equivalent days of Sick Leave per month of service. There will be no limit on the amount of Sick Leave a regular employee may accumulate. Part-time regular employees will accrue leave on a pro rated basis determined by their base budgeted hours.

3. The Human Resources Director or designee may require such evidence as deemed necessary to validate Sick Leave. Any employee who is determined to have made a fraudulent request for Sick Leave shall be subject to disciplinary action, which may include immediate dismissal.

4. Sick Leave may be used in connection with personal illness. "Personal illness" justifying the use of Sick Leave means a medical condition which makes the employee unable to perform their duties. There is no limit on the amount of accumulated Sick Leave an employee may use for personal illness.

The City can terminate an employee for operational reasons regardless of the amount of Sick Leave the employee has accumulated.

5. ~~"Family illness" justifying the use of Sick Leave means a personal illness of an employee's relative. The personal illness must be of sufficient severity that the employee's absence from work to care for such family member is reasonably required. "Relative" for Family Sick Leave purposes is defined as including only spouse, child, sibling, parent, parent-in-law, foster parent, grandparent, and grandchild. It may also include other blood, half, and step relatives providing they reside in the employee's household. Employees are eligible for the equivalent of ten five (510) days of absences for family illness in any one (1) calendar year. Five Ten days is equal to 37-575 hours for those employees who work 75 hours a pay period and 40 80 hours for those employees who work 80 hours a pay period. For qualifying family members under the Family and Medical Leave Act (FMLA), the FMLA rights, responsibilities, and procedures apply. Employees who are not in the written stage or higher of a disciplinary process may be eligible for the equivalent of an additional five (5) days of leave for family illness in any one (1) calendar year.~~

~~56. Whenever the employee's use of Sick Leave exceeds two three (23) consecutive days, or three (3) non-consecutive days within a thirty (30) day period; or whenever any Sick Leave usage pattern suggests possible abuse, an employee may be required to furnish a verifiable doctor's certificate appropriate medical documentation to the Human Resources Director or designee for all absences charged to Sick Leave utilizing the City's Medical Certification Form.~~

~~6. A doctor's certification for Sick Leave must be on the Medical Certification Form and include the type of illness or injury treated; a statement that an employee is or was disabled and therefore unable to perform his or her duties; the inclusive dates or approximate duration of the stated illness or injury; the expected date the employee may return to work; and certify the employee as fit to return to work. The form used for this purpose is the City's Medical Certification Form.~~

7. The Human Resources Director may require an employee to be examined by a City-appointed physician at City expense to certify as to the employee's fitness for duty.

8. Employees absent from their duties in a Leave Without Pay (LWOP) status are not entitled to use Sick Leave. All employees requesting Sick Leave must be in a regular duty status or approved paid leave status (i.e., Annual Leave) before Sick Leave may be granted.

9. Employees incurring an illness or incapacitating physical condition requiring an extended period of time away from work may request up to six months of Leave Without Pay with the written permission of their Charter Appointed Official ~~the City Manager~~. A maximum of up to an additional six months may be granted if required.

~~10. Employees will not accrue Sick or Annual Leave, or have the City portion of their group medical, dental or life insurance paid while in a Leave Without Pay status, except during approved leave under the Family and Medical Leave Act. Employees may continue group medical, dental, and life insurance; however, by arranging with the Human Resources Department in advance for monthly payment of the full insurance premium during their absence in accordance with the terms of the current insurance policies. For purposes of merit increments and probationary periods, when employees return to a duty status, they will have to serve the remainder of these periods before a merit increment is granted or probationary period is considered complete.~~

~~11. Employees hired prior to July 1, 2015 elected how to receive compensation with respect to unused sick leave upon termination of employment separation from service if they satisfy the criteria for "early retirement" or "normal retirement" (as defined by the City's Pension Plan) at the time of termination. Such employees elected to receive a cash payment or "credited service" under the Pension Plan. An employee who elected a cash payment will receive a payment equal to one-quarter of the number of days of unused sick leave multiplied by the employee's hourly rate of pay when they separate from the City. The cash payment will be made promptly upon separation from the City (regardless of when pension benefits begin) and will be subject to tax withholdings. An employee who elected "credited service" will receive full credit for unused sick leave up to a maximum of one year credit as described in the Pension Plan. If the employee did not make an election, the employee will receive "credited service", not cash. Employees hired on or after July 1, 2015 will receive "credited service" for unused sick leave, as described in the Pension Plan.~~

6. Sick Short-Term Disability Leave Bank Leave

~~Sick Leave Bank participation is available to all non-probationary regular employees by donating two days of accrued Sick Leave to the Sick Leave Bank each calendar year. Participating Eligible employees may request withdrawals from the Short-Term Disability Leave Bank (Bank) apply for Sick Leave Bank Leave (Bank Leave) for certain long-term or catastrophic illnesses or injuries that are not work-related. Employees must exhaust all of their accrued paid leave Annual and Sick Leave and meet the 15 calendar day appropriate waiting period before obtaining Sick Bank Leave. Employees who qualify may request Bank Leave covering up to a 90 calendar day absence up to a maximum of 90 cumulative work days of Sick Leave Bank Leave for any one illness or injury during a 12-month period.~~

Eligibility

~~An employee may be eligible once they have worked as a regular employee, at least 30 hours per week, for 12 months. All regular City employees who have successfully completed their initial probationary period are eligible to join the Sick Leave Bank and may be eligible to receive benefits as defined herein.~~

Definitions

~~**Day:** The number of hours an employee is scheduled to work on a normal workday.~~

~~**Regular employees:** Employees who have successfully completed their initial probationary period.~~

~~**Medical certification:** That written certification on the City Medical Certification Form by an appropriate licensed physician which is required to consider a regular employee as eligible for Sick Leave Bank benefits. Such certification must include date(s) and time(s) of necessary absences; approximate date(s) of return; diagnosis; prognosis and nature of illness or injury. The physician's note must be certifiable by way of the physician's availability to discuss the contents of the note with the Human Resources Director.~~

Serious illness or injury: An illness or injury which renders the employee unable to perform any work for an extended period of time as certified by a physician.

Continuous leave: Leave which may be granted when an illness or injury requires an uninterrupted absence for purposes of medical treatments, surgery, or other necessary medical reason as certified by a physician.

Intermittent leave: Leave which may be granted when an illness or injury requires intermittent absences for purposes of medical treatments, surgery, or other necessary medical reason as certified by a physician.

~~**Sick Leave Bank Board of Directors:** The Board of Directors (the "Board") shall be composed of one representative of each of the employee groups including Association of Administrative and Municipal Employees (AAME), Fraternal Order of Police (FOP), and American Federation of State, County and Municipal Employees (AFSCME). The Board shall select its own Chairperson first from AAME, second from AFSCME, and third from FOP. If there is a vacancy on the Board, a new representative shall be appointed to represent the same group from which the vacancy occurred.~~

Responsibilities

~~**Employee:** Employees may join the Sick Leave Bank at their option. However, membership and contributions of leave are necessary in order to be eligible to receive any benefits. In order to join the Sick Leave Bank, employees must enroll and make contributions in accordance with this policy. For consideration, eEmployees must furnish required appropriate medical certification documentation, and request a withdrawal of leave from the Bank. in order to be eligible to receive Sick Leave Bank benefits.~~

Human Resources Director: The Human Resources Director or designee is responsible for verification of all medical documentation and authorization of such leave as appropriate to the ~~Sick Bank Board of Directors and the~~ City's Payroll Division.

~~**Board of Directors:** The Board shall be wholly responsible for the proper, fair, and equal administration of the Bank; the maintenance of Sick Leave days in the Bank; the promotion of, enrollment in, or donations to~~

~~the Bank; and the submission to the Bank participants of an annual report on the status of the Bank. The Board shall approve all donations before they are forwarded to the Payroll Division. Copies of all Sick Leave Bank donation and withdrawal forms shall be marked for approval or denial by the Board within ten (10) working days after such request is received. Decisions of the Board are final.~~

Payroll Division: Payroll staff is responsible for ensuring that proper authorization for absences transfer of Bank Leave has been given by the Human Resources Director or designee ~~and that authorization for the payment of Sick Bank Leave has been given by the Sick Leave Bank Board of Directors. The Payroll Division staff will issue payment of transfer~~ such leave as is appropriate once authorization has been given by the Human Resources Director or designee.

~~**Enrollment and Contributions**~~

~~Employees who successfully complete their probationary period shall have 30 days immediately following completion of the probationary period in which to join the Bank during non-open enrollment season. Enrollment is accomplished by completion of an enrollment and donation form through the Human Resources Department. If the employee fails to submit the required contribution form and leave donation within the 30 days, that employee may not join until the next open enrollment season. It is the employee's responsibility to join the Bank during the 30-day period. Enrollment is required in order that an employee may be considered for benefits.~~

~~1. Persons who enroll during the first eligible enrollment period shall be enrolled without regard to pre-existing conditions of health if they are on active duty at the time of contribution.~~

~~2. Contributions must be made during the open enrollment season of each year to continue participation in the Bank. The effective date for Bank membership is January 1st for persons enrolling during open enrollment season.~~

~~3. Participants in the Bank must donate two days of accumulated Sick Leave to the Bank. This donation must be made by employees each calendar year to continue their participation in the Bank.~~

~~4. Donations of Sick Leave will not be returned to the participants. Donations of Sick Leave will not be calculated for retirement benefits purposes.~~

~~5. Eligible employees who do not elect to join the Bank at the first opportunity afforded to them (within 30 days after completion of their initial probationary period) will not be permitted to join until the subsequent annual open enrollment. A medical examination may be required, at the employee's expense, by the Board, prior to enrollment.~~

Process

Requesting Bank Use

All requests to draw upon the Bank must be made in writing ~~by the employee on the City of Rockville Sick Leave Bank Withdrawal Form and submitted directly~~ to the Sick Leave Bank Board of Directors ~~Human Resources Director or designee.~~ Department.

Authorization of a Request

No request may be considered unless the employee has submitted acceptable medical documentation to the Human Resources Director or designee to substantiate the absence and subsequently such absence has been authorized by the Human Resources Director or designee ~~to the Board and the City's Payroll Division.~~

All requests to draw upon the Bank must therefore be accompanied by a confirmation from the City's Human Resources Department attesting to the ~~requestor's inability to work status, based upon a physician's written certification on file in the Human Resources Department~~ receipt of appropriate medical documentation. ~~In case Bank members requesting leave have been~~ If an employee is incapacitated, their application request may be submitted to the Board by their family on their behalf or in the absence of family, by their supervisor ~~by Human Resources on their behalf.~~

Resubmission Upon Denial

~~Applications for the withdrawal of Bank leave denied by the Board may be resubmitted 30 calendar days from~~

~~the date of denial. An applicant may submit additional information in support of the request.~~

Limitations

~~The Board reserves the right to set a limit, on a consistent basis, on the amount of leave granted to specific employees with ongoing serious illness or injury.~~

~~No more than 30 cumulative working days shall be granted in any one grant transfer from the Sick Leave Bank, even though an individual applicant may receive multiple grants up to a total of 90 cumulative working days for any one illness or injury during a 12-month period.~~

Participants may not use Sick Bank Leave for regular or routine doctor's, dentist's, etc. visits.

The Bank shall not be used by individuals disabled by a job injury or illness. Individuals shall not use leave from the Bank when they are receiving ~~Income Protection Program benefits~~ Workers' Compensation Benefits.

The Bank shall not be used by employees under investigation, on suspension, or after dismissal, ~~provided~~, however, that the Charter Appointed Official ~~City Manager (or a designee)~~ may review the circumstances and grant a waiver of this limitation for an employee who is under investigation or on suspension for good cause shown. The employee will provide all necessary documentation concerning the investigation or suspension as requested by the Charter Appointed Official ~~by the City Manager~~ (or a designee).

Requests for Extension

Applicants may submit requests for ~~extension of additional~~ Bank ~~leave~~ Leave grants transfers before the prior grant expires up to but not more than the maximum 90 working day limit.

Conditions

~~Members of the Bank~~ Eligible employees must use all of their earned Sick Leave, and Annual Leave, and Compensatory Time before qualifying for Bank ~~leave~~ Leave.

~~During the~~ The first 30 cumulative working 15 calendar days of a serious injury or illness, ~~shall be covered by the employee shall use their 's own Sick Leave, or Annual Leave and Compensatory Time, followed by or~~ Leave Without Pay.

~~Provided, however, the Sick Leave Bank Board may recommend a waiver of no more than 15 of the first 30 cumulative working days in consideration of extenuating circumstances, as determined by the Board on a case by case basis. Such recommendation will be made to the Human Resources Director, who may approve or disapprove the request.~~

Employees suffering a recurring illness or injury within a 12-month period will not be required to satisfy an additional 15 calendar ~~30~~-day waiting period.

Employee Status During Period of Bank Use

While drawing authorized leave from the ~~Sick Leave~~ Bank, participants shall be considered on full pay status and shall be entitled to all other benefits provided all required contributions are made. While drawing ~~Sick Bank~~ Leave, employees may accrue Annual and Sick Leave.

Request for Intermittent Leave

If a request is for other than consecutive days of Bank Leave for the same illness or injury, or a combination of consecutive and non-consecutive days, the physician's written certification must specifically note that the member must be absent from work at intermittent times for necessary medical reasons related to the serious illness or injury. The member will submit periodic physician's statements to the Human Resources Director or designee, stating that continued intermittent medical care is necessary and is directly related to the illness or injury.

~~The member will furnish all necessary documentation to substantiate the existence of the illness or injury and/or the need for intermittent absences for treatment to the Human Resources Director~~ or designee, who

will authorize such absences to the ~~Board and the~~ City's Payroll Division. Intermittent leave includes a temporary part-time work status as certified by a physician to be medically necessary and directly related to the serious illness or injury.

Requests for intermittent leave, including part-time work status, shall be reviewed on a case-by-case basis by the Human Resources Director or designee, as circumstances require.

Return to Work

Return to work by an employee cancels any unused Bank ~~leave~~ Leave unless the leave has been granted for intermittent absences.

~~Members of the Bank who return to work after an extended illness or injury will automatically be enrolled in the Bank until the next open enrollment season. A returning member of the Bank must make the necessary contribution of Annual Sick Leave during the next open enrollment season in order to continue membership in the Sick Leave Bank.~~

~~After an extended illness or injury, members who return to work during or after open enrollment season, who do not have sufficient Annual Sick Leave to contribute for membership, may fill out the required contribution form and submit it to the Human Resources Department; however, employees' membership in the Bank will not be activated until the required contribution of Annual Sick Leave has been made. If employees do not make the required contribution within four months from the date of their return, enrollment will be terminated and they will not be eligible to join until the next open enrollment season. It is the employee's responsibility to notify the Payroll Division in writing when the necessary Annual Sick Leave has been accrued. Failure to notify the Payroll Division will result in termination of membership until the next open enrollment season.~~

Termination of Eligibility

A member shall lose the right to utilize the benefits of the Bank by:

1. Termination of employment with the City of Rockville.
- ~~2. Failure to continue regular contributions to the Sick Leave Bank at the beginning of each bank year, which is the first of January.~~
- ~~3. Failure to make such additional contributions as may be required from time to time by the Board to prevent bankruptcy of the Bank.~~
4. 2. Failure to provide, within a reasonable time, any documentation required by the ~~Board~~ Human Resources Director or designee.

Maintenance of the Bank

Bank Balance

~~Should the amount of donated leave in the Bank pool fall below thirty (30) days, the City may contribute the unused leave of those participating employees who left City employment during the past year but did not retire. The City's donation shall not exceed sixty (60) days and will be limited to once per fiscal calendar year.~~

~~Should the Bank be terminated due to non-participation, insufficient participation, or any other reason, the days remaining in the Bank shall be returned to the then-current members of the Bank proportionately.~~

Records

~~Donation and w~~Withdrawal forms can be obtained from the Human Resources Department. The Human Resources Department is responsible for maintaining the records of all ~~applications for donations, all~~ applications for withdrawals of ~~sick days~~ Bank Leave, and accompanying medical information. The Human Resources Director and designee are authorized to review and maintain medical information.

The City of Rockville Payroll Division is responsible for maintaining records of all Bank ~~participants as well as their contributions and~~ withdrawals, and the status of the Bank.

~~The Payroll Division shall provide information to the Board, upon request, on any data it has maintained in its files with regard to an individual member's use of or investment in the Bank, or on an applicant's earned leave balances. All information obtained shall be kept confidential and exclusively for the use of the Board.~~

The existence of the Bank and participation by an employee does not negate or eliminate any other Sick Leave policies of the City of Rockville, nor does it in any way negate the rights of individuals who participate in the Bank or other Sick Leave benefits.

Sick and Safe Leave

Through the Maryland Healthy Working Families Act (the "Act"), employees who are hired on a seasonal or temporary basis may accrue paid Sick and Safe leave. Paid sick leave accruals for benefitted full-time or benefitted part-time employees are more generous than the Act requires; therefore, those employees' leave accruals are not impacted by the Act.

If any inconsistencies exist between the Act and this policy, the Act's requirements will apply.

General Requirements

Eligible employees will accrue at least one hour of Sick and Safe leave for every 30 hours worked, if they work at least 24 hours in a two-week pay period. Although the Act states that employers may exclude employees under the age of 18 from accruing Sick and Safe leave, the City extends this benefit to employees under the age of 18.

Employees are required to give notice of the need to use earned Sick and Safe leave when the need is foreseeable. Sick and Safe Leave may be used for the following:

- to care for or treat an employee's mental or physical illness, injury, or condition;
- to obtain preventive care for an employee or an employee's family member;
- to care for or treat a family member of an employee with a mental or physical illness, injury, or condition;
- for maternity or paternity leave;
- for specified circumstances due to domestic violence, sexual assault, or stalking committed against the employee of the employee's family member

"Family Members" Under the Act

- a biological child, an adopted child, a foster child, or a stepchild of the employee;
- a child for whom the employee has legal or physical custody or guardianship;
- a child for whom the employee stands in loco parentis*, regardless of the child's age;
- a biological parent, an adoptive parent, a foster parent, or a step parent of the employee or of the employee's spouse;
- the legal guardian of the employee;
- an individual who acted as a parent or stood in loco parentis* to the employee or the employee's spouse when the employee or the employee's spouse was a minor;
- the spouse of the employee;
- a biological grandparent, an adoptive grandparent, a foster grandparent, or a stepparent of the employee;
- a biological grandchild, an adoptive grandchild, a foster grandchild, or a stepchild of the employee; or
- a biological sibling, an adoptive sibling, a foster sibling, or a stepsibling of the employee.

* Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Accrual and Usage of Leave

Sick and Safe leave accrues as it is earned but may not be used until an employee has been employed for 106 calendar days (15 weeks).

Employees will be entitled to have any unused accrued Sick and Safe leave reinstated if they leave the City and are re-employed at the City within 37 weeks of their employment separation.

Sick and Safe leave may be requested in one-quarter (1/4) hour increments. Employees may use

~~leave only after it has been accrued. Sick and Safe Leave Section (incorporate program criteria as outlined in all staff communication)~~

6. Military Leave

Inactive Duty: All employees who are members of any United States Military Reserve or National Guard Unit shall be entitled to leave of absence from their respective duties, without loss of pay, time, or reduction in efficiency rating. This entitlement will apply for all days during which they shall be engaged in field or coast defense or other training ordered or authorized under any law of the United States, during such time as they are on annual inactive duty training, for a period not to exceed 15 working days in any calendar year.

Active Duty: Any regular employee who is a member of the United States Military Reserve or National Guard Unit ordered to active duty, shall be entitled to Leave Without Pay for such time while actually serving under such active duty order. Upon return from military service, employees are eligible for certain rights and privileges of employment provided for them under the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

NOTE: For information regarding the placement of a regular employee in an active non-work status when called to duty on active military service during a National Emergency or under Presidential Authority, see the Policy and Procedure on Military Furlough (PPP# 170-00 & 170-10).

Requesting Military Leave

~~1. An employee wishing who needs to take Military Leave must submit a Leave Request Form in advance of such Military Leave, should provide advance notice and a copy of the official orders, when possible, to the Department Director through his or her immediate supervisor indicating the anticipated duration of the leave, to the Department Director Department Head through his or her immediate supervisor. The form will indicate the specific days for which the leave is requested and will be signed by the employee. One copy of the official orders requiring the employee to report for training and/or active duty will be attached to each of the two (2) copies of the form.~~

~~2. The supervisor reviews the form and attached copy of orders, and after ensuring correctness, initials the two copies of the memorandum indicating his or her review and approval, before forwarding the request to the Department Director Department Head.~~

~~3. Upon receipt, the Department Director Department Head reviews the request and, if appropriate, indicates his or her approval on the two copies of the form. Following this action, the Department Director Department Head should forwards the request to the Human Resources Director. Human Resources will inform Payroll, who will~~

~~4.~~

~~5. Upon receipt of the request, the Human Resources Director indicates approval, if appropriate, on the two copies of the form. The Human Resources Director then forwards one copy of the approved form to the Payroll Division and files the other copy, together with the copy of the orders, in the employee's personnel folder.~~

~~6.~~

~~7.1. The Payroll Division will maintain the approved copy of the request on file and continue to pay the eEmployee on such Military Leave the difference between the military pay and his or her their regular wages if the military pay is less.~~

7. Jury Duty Leave

An employee who is required to serve as a juror in a court proceeding is allowed the time needed for such service without charge to their accrued leave and is paid his or her regular salary. All payments to the employee by the court are to be kept by the employee.

Requesting Jury Duty Leave

1. An employee summoned as a juror in court will submit to his or her supervisor, as soon as

possible, a ~~Request for Leave Form and a~~ copy of the court document requesting the employee's participation as a juror.

~~2. The supervisor forwards the original and duplicate of the Leave Request Form copy to the Department Director Department Head Human Resources Department.~~

~~3. The Department Director Department Head then reviews, verifies and forwards the form to the Payroll Division and forwards a copy to the Human Resources Director.~~

~~4.~~

~~5. The Human Resources Director maintains a copy of the form and court document in the employee's personnel file.~~

Conditions

An employee who reports for jury duty and who is dismissed is expected to report for duty for the rest of the working day. An employee is also to report on any workday when the court is not scheduled or is cancelled.

Failure of the employee to comply with this Procedure and to verify attendance in court for all days charged to Jury Duty Leave will result in the employee being ~~docked for all time previously paid Jury Duty Leave which has not been documented~~ disciplined for undocumented jury duty and, if appropriate, having their leave and/or pay adjusted.

Pay

~~The Payroll Division will pay employees serving as juror their regular pay on the basis of having received a proper and timely request for Jury Duty Leave. All payments to the employee by the court expenses are to be kept by the employee.~~

~~Requesting Temporary Deferment for Jury Duty~~

~~Jury Duty is a civic duty and all employees are strongly encouraged to fulfill their obligation in this respect. However, when the current workload of a division or department will not permit an absence for jury duty, the following procedure is employed.~~

~~1. The employee notifies the supervisor of the receipt of the summons by a Leave Request Form with and provides a copy of the summons attached.~~

~~2. The supervisor prepares a memorandum for the Department Director Department Head's signature to the Human Resources Director, giving reasons why a temporary deferment is necessary. A copy of the summons will be attached to this memorandum.~~

~~3. The Human Resources Director then may request a temporary deferment from the court on behalf of the Department if the deferment is deemed to be justified.~~

~~The final decision for the deferral, however, rests with the court.~~

8. Leave Without Pay

This section excludes Leave Without Pay ~~for~~ under the Family and Medical Leave Act (PPP# 120-75).

Guidelines

1. Leave Without Pay, with approval from your Department Head or Charter Appointed Official, may be granted to regular full-time or regular part-time employees provided that all other leave has been exhausted, and the absence would not adversely affect the operational needs of the City. However, Leave Without Pay for employees in a probationary status shall only be granted under extenuating circumstances and for bonafide medical reasons with prior approval from your Department Head or Charter Appointed Official. The Human Resources Director or designee shall be notified by the

Department Head or Charter Appointed Official of any use of Leave Without Pay by a

probationary employee. The length of probation will be extended on a day-for-day basis for any use of Leave Without Pay.

2. ~~The duration of the leave must be approved by the Appointed Official. City Manager. The employee must return to his or her position immediately after the leave expires, unless: (1) the position has been filled by a regular appointment; or (2) the Appointed Official/City Manager determines there is no need for the employee's service. Failure to report for duty within the prescribed time will be considered as a resignation from the City.~~
3. ~~Leave Without Pay may be authorized for not more than one year cumulatively for each employee.~~
4. ~~2. Leave Without Pay is counted as service time lost for the purpose of determining the rate of accrual for Annual Leave, may affect your anniversary date, and will not count as experience for promotional purposes.~~

~~Requesting and Granting Leave Without Pay for 14 Calendar Days or Fewer~~

1. ~~The eEmployees complete and sign a Request for Leave Form and submit it to their immediate supervisor requests leave at least one week prior to the start of the requested leave, indicating the reason for the request and the time required. However, exception may be granted in emergency situations and the paper work completed retroactively with a memo.~~
2. ~~The immediate supervisor approves or disapproves the request, as may be appropriate, and the employee is notified notifies the employee of the decision, indicates approval or disapproval in the explanation section on the Leave Request Form. The immediate supervisor then signs and forwards the completed form, along with the time sheet indicating the Leave Without Pay, to the Payroll Division.~~

~~Requesting and Granting Leave Without Pay for 15-30 Calendar Days~~

1. ~~The employee completes and signs a Request for Leave Form and submits it to his or her immediate supervisor requests leave at least one week prior to the start of the requested leave, indicating the reason for the request and the time required.~~
2. ~~The immediate supervisor approves or disapproves the request, as may be appropriate, and notifies the employee of the decision. If approved, the immediate supervisor requests, by memorandum to the Department Director Department Head, that the employee's request for leave be approved. The memorandum will include the dates of the requested leave as well as the reason.~~
3. ~~The Appointed Official or Department Director Department Head indicates informs the employee's immediate supervisor of his or her approval or disapproval on the memorandum in the space which will be provided for this purpose and returns it to the immediate supervisor.~~
4. ~~If the leave is approved, the immediate supervisor signs the Request for Leave and forwards it to the Payroll Division. The employee is informed of the decision.~~

~~Requesting and Granting Leave Without Pay for Over 30 Calendar Days~~

1. ~~Follow steps 1, 2, and 3 as described in the section entitled "Requesting and Granting Leave Without Pay for 15-30 Calendar Days."~~
2. ~~The Appointed Official or Department Director Department Head indicates concurrence or non-concurrence on the memorandum in the space to be provided for this purpose and forwards the memorandum to the Human Resources Director for review.~~
3. ~~The Human Resources Director indicates approval or disapproval on the memorandum in the space to be provided for this purpose, then returns the memorandum to the appropriate supervisor through the Appointed Official or Department Director Department Head concerned.~~
4. ~~The immediate supervisor notifies the employee of the decision. If the leave is approved, the employee-~~

~~and immediate supervisor each sign the Request for Leave Form and forward it to the Payroll Division. If approved, the Human Resources Department will generate an action paper removing the employee from active status.~~

~~5. An employee granted a Leave Without Pay or an employee in a non-pay status in excess of 30 calendar days may be separated from City service and replaced, and if replaced, has no job retention rights. There is, however, an exception to this rule under the Family and Medical Leave Act (PPP# 120-75).~~

~~**Unreported/Unexcused Leave of Absence**~~

~~Any Leave Without Pay taken that has not been properly requested and approved is considered unexcused and will be subject to disciplinary action.~~

~~Unreported or unexcused leave of absence for three or more consecutive work days is considered job abandonment and will result in immediate dismissal.~~

~~**Effect on Leave, Benefits, and Pay and Employment**~~

~~Depending upon the duration of the period of Leave Without Pay, the following benefits may be affected.~~

- ~~1. Employees will not accrue Sick or Annual Leave.~~
- ~~2. Employees will not have the City portion of their group medical, dental or life insurance paid while in a Leave Without Pay status. Employees may continue group medical, dental, and life insurance, however, by arranging with the Human Resources Department in advance for monthly payment of the full insurance premium during their absence in accordance with the terms of the current insurance policies.~~
- ~~3. Anniversary dates for the purpose of salary increments and probationary periods, when employees return to a duty status, they will have to serve the remainder of these periods before a salary increment is granted or probationary period is considered complete.~~

~~Prior credited service shall not be forfeited if an employee is granted a Leave Without Pay. An employee on Leave Without Pay for less than thirty (30) calendar days shall not lose any accrued leave, credited service, or seniority.~~

~~Leave Without Pay does not guarantee the employee a job upon expiration of the leave, but, it does ensure their eligibility to return to work, should another position become available for which the employee is qualified.~~

~~**Recording Leave Without Pay**~~

~~The supervisor will record for attendance reporting purposes all Leave Without Pay, including dates and times, for all employees as appropriate on the Leave Request Form.~~

9. Unreported/Unexcused Leave of Absence

Any Leave Without Pay taken that has not been properly requested and approved is considered unexcused and will be subject to disciplinary action.

Unreported or unexcused leave of absence for three or more consecutive work days is considered job abandonment and will result in immediate dismissal.

10. ~~9.~~ Family and Medical Leave Act (FMLA)

This policy implements the requirements of the Family and Medical Leave Act, which may be amended from time to time. If any inconsistencies exist between the FMLA regulations and this policy, the FMLA regulations will apply.

Definitions

Son or Daughter - A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of

a mental or physical disability” at the time that FMLA leave is to commence

Parent - A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined above. This term does not include parents- ~~“in--law.”~~

In loco parentis - Includes those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Spouse - A husband or wife.

Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves either:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.

Health Care Provider - A licensed doctor of medicine or osteopathy, or any other person determined by the Secretary of Labor to be capable of providing health care services.

Employment Benefits - Refers to all benefits provided or made available to employees by an employer including group life insurance, health insurance, disability insurance, paid leaves, educational benefits, and pensions.

Reduced Leave Schedule - Refers to a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Covered Servicemember - A member of the Armed Forces (including a member of the National Guard or reserves) (a) who is on the temporary disability retired list; (b) who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury; (c) who is assigned to a military medical treatment facility as an outpatient or is otherwise receiving outpatient care at a unit established for members of the armed forces; or (d) who is a veteran released or discharged (for any reason other than dishonorable) during the five year period prior to the first date of leave and is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Qualifying Exigency Leave - Family members of covered service members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member’s absence, or to serve as the military member’s representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise.

Family and Medical Leave Act Generally

The Family and Medical Leave Act (FMLA) entitles eligible employees to take paid or unpaid, job-protected leave for specified family and medical reasons. The City requires employees to ~~Employees may use exhaust any combination of~~ their paid Sick Leave, Annual Leave, and Compensatory Time, as appropriate, during FMLA absences, prior to using unpaid leave, ~~or Family and Medical Leave~~. Employees must comply with the City’s other leave policies within PPP # 120-00.

- ~~• for the birth or adoption of a child, to care for themselves or any family member, to care for covered military service members, and to deal with qualifying circumstances arising out of the fact that a covered family member is on active duty or has been called up to duty. In addition, Sick Leave also may be used for the care of a dependent child, spouse, or parent suffering from illness or injury for up to a maximum of five days per year.~~

~~All requests for Family and Medical Leave should be made in accordance with the policy and procedure set forth below. Up to 12 weeks of Family and Medical Leave may be granted in a 12-month period, except in the case of leave to care for a covered service member, where up to 26 weeks of leave may be used in a 12-month period. All FMLA protected leave may will be conditioned independent granted upon presentation approval of acceptable documentation that satisfies the FMLA criteria. All documentation must be submitted to the Human Resources Director or designee. Employees must exhaust all other forms of appropriate paid leave prior to using unpaid leave for Family and Medical Leave reasons.~~

Eligibility

~~All regular full-time and part-time benefit-eligible eEmployees may apply be eligible for Family or Medical Leave FMLA leave, provided they have worked for the City been employed for at least 12 months before the leave request and provided they have worked at least 1,250 hours of service, as established under the Fair Labor Standards Act (FLSA), during the 12-month period immediately preceding commencement of the leave. Hours worked is the time for which an employee is entitled to compensation under the Fair Labor Standards Act.~~

Employees who do not meet these requirements but need leave may apply for a Leave Without Pay or for other forms of leaves in accordance with the Policy on Leave (PPP# 120-00).

Conditions

~~Prior to granting any unpaid Family and Medical Leave, employees must use all accrued annual and compensatory time or, for personal medical illness supported by medical documentation, Sick Leave, or, for a family member's illness, Family Sick Leave as defined in the Procedures governing such use of these leaves (PPP# 120-00).~~

Definitions

~~**Son or Daughter**—Any person who is under 18 years old or any person 18 years old or older who is incapable of self-care because of a mental or physical disability if the person's relationship to the employee is that of:~~

- ~~• a biological, adopted, or foster child;~~
- ~~• a stepchild;~~
- ~~• a legal ward; or~~
- ~~• a child of a person standing in the place of a parent.~~

~~**Parent**—A parent is the biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was a son or daughter.~~

~~**Spouse**—A husband or wife.~~

~~**Serious Health Condition**—An illness, injury, impairment, or physical or mental condition that involves either:~~

- ~~1. inpatient care in a hospital, hospice, or residential medical care facility; or~~
- ~~2. continuing treatment by a health care provider.~~

~~**Health Care Provider**—A licensed doctor of medicine or osteopathy, or any other person determined by the Secretary of Labor to be capable of providing health care services.~~

~~**Employment Benefits**—Refers to all benefits provided or made available to employees by an employer including group life insurance, health insurance, disability insurance, paid leaves, educational benefits, and pensions.~~

~~**Reduced Leave Schedule**—Refers to a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.~~

~~**Covered Service Member**—Refers to a member of the armed forces (including a member of the National Guard or reserves) (a) who is on the temporary disability retired list; (b) who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury; (c) who is assigned to a military medical treatment facility as an outpatient or is otherwise receiving outpatient care at a unit established for members of the armed forces; or (d) who is a veteran released or discharged (for any reason other than dishonorable) during the five year period prior to the first date of leave and is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.~~

~~**Qualifying Exigency Leave**—family members of covered service members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member's absence, or to serve as the military member's representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise out of the military member's call to duty, qualify as an exigency, and agree as to the timing and duration of leave.~~

Leave Benefits

Eligible employees can take up to the equivalent of 12 workweeks of leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child within one year of the child's birth or placement;
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent (Qualifying Exigency Leave).

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to a combined total of 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness (Military Caregiver Leave).

~~Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period when leave is taken for one or more of the following circumstances:~~

- ~~1. the birth of a son or daughter of an employee and to care for the child;~~
- ~~2. the placement of a son or daughter with an employee for adoption or foster care;~~
- ~~3. to care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition;~~
- ~~4. an employee is unable to perform the functions of the position because of the employee's own serious health condition; or~~
- ~~5. non-medical exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or on call to active duty status (Qualifying Exigency Leave).~~

~~Additionally, an eligible employee may take up to twenty six (26) workweeks of leave during a single twelve-month period to care for a covered service member with a serious injury or illness incurred in the line of duty who is a spouse, son, daughter, parent, or kin to the employee (military caregiver leave).~~

Conditions

~~The right to leave for the birth or placement of a son or daughter expires 12 months after the birth or placement.~~

Employees may be eligible to take other forms of leave as may be authorized ~~to them~~ beyond the initial 12- or ~~26-26-week-week~~ period, in accordance with the policies covering the use of such leave.

Eligible spouses who both work for the City are limited to a combined total of 12 workweeks of leave in a 12-month period for certain FMLA-qualifying reasons, and are also limited to a combined total of 26 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember.

The City prohibits discrimination or retaliation against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. The taking of FMLA leave cannot be used as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions. ~~nor can FMLA leave be counted under no fault attendance policies.~~

~~If both spouses are working employees of the City, their total leave in any 12-month period is limited to 12 weeks if the leave is taken for the birth or adoption of a child or to care for a sick parent.~~

Intermittent or Reduced Schedule Leave

Intermittent or reduced schedule leave can be taken in cases of a serious health condition, either an employee's own or that of a family member, when medically necessary.

Leave taken for the birth, ~~adoption,~~ or placement of a child for adoption or foster care ~~son or daughter,~~ cannot be taken intermittently or on a reduced leave schedule unless specifically agreed to by the Human Resources Director or designee ~~City Manager Appointed Official or designee.~~

Employees may be required to transfer temporarily to an available alternative position if:

- the employee is qualified for the alternative position;
- the position has equivalent pay and benefits; and
- the alternative position better accommodates recurring periods of leave than does the employee's regular position.

Timing of Notice~~Notice~~

Employees must comply with the City's usual and customary requirements for requesting leave and provide enough information for the City to reasonably determine whether the FMLA may apply to the leave request. Eligible employees generally must provide their immediate supervisor with 30 days' advance notice of the intent to take leave for foreseeable events such as the expected birth of a child or placement of a child for adoption or foster care, ~~birth or placement of a son or daughter~~ or planned medical treatments. When circumstances require a leave to begin in less than 30 days, the employee must give as much notice as is practicable ~~notice as soon as possible and practical.~~ In accordance with the Family and Medical Leave Act, ~~e~~ Employees are obligated to make a reasonable effort to schedule medical treatment so as not to unduly disrupt the employer's City's operation. Supervisors must inform Human Resources immediately when an employee has missed or is expected to miss work due to a potentially FMLA qualifying reason.

Requesting Leave

~~Employees who anticipate an extended leave for any of the reasons listed within this Procedure should, whenever possible, prepare a memorandum to their immediate supervisor requesting the leave. If impossible to request the leave in advance by memorandum, the employee or representative, if necessary, should contact the immediate supervisor by phone. In this case, the immediate supervisor must complete the memorandum.~~

~~The memorandum should provide for authorization by the Department Director Department Head When Department Head and the Human Resources Director. It should include the reason for the request and the anticipated dates of leave. The employee (or representative) must provide appropriate certification. At the time of request, the Human Resources Department will notify the employee as to what constitutes appropriate certification for the leave.~~

~~After all approvals have been obtained, the Human Resources Department will notify the employee that leave has been approved. A copy of the approved leave memorandum will be forwarded to the Payroll Department along with an action paper effecting the change in status. Leave may only be denied with the concurrence of the Human Resources Director.~~

~~Submitting Time and Documentation~~

~~Immediate supervisors will submit time in accordance with current payroll practices. The immediate supervisor, the Human Resources Department, and the Payroll Division will work together to determine appropriate leave to be submitted. Sick Leave may only be used when appropriate medical documentation has been submitted to and verified by the Human Resources Director or designee. Family Sick Leave may be used in accordance with the process outlined above, PPP# 120-30 _____ section. Annual Leave should be used for other approved requests and when no other form of appropriate paid leave is available.~~

~~When an employee has used all forms of approved paid leave and has not completed the 12- or 26-week period, the remaining qualifying leave should be recorded as ~~excused~~ Leave Without Pay.~~

~~Initial and ongoing certification for approved leaves should be submitted to the immediate supervisor and forwarded to the Human Resources Director. Certifications will be kept confidential and will not be made part of the employee's personnel file.~~

Certification

~~Employees are required to provide appropriate certification for medical documentation to support the entire period of leave request. Medical certification should include, but may not be limited to, the date the condition began, its probable duration, appropriate medical facts, and an assertion that the employee is unable to perform the job functions or is needed to care for a sick family member for a specified period of time. The City's Medical Certification Form is to be used for this purpose. Initial and ongoing certification medical documentation for approved leave should be submitted directly to the Human Resources Director or designee.~~

~~The City may require the employee on leave to report periodically on their status and intention to return to work.~~

~~Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files from the usual personnel files.~~

~~Other certifications may be required depending on the reason for which the leave is requested. All such certifications will be required in accordance with the City's policy on leave usage (PPP# 120-00) and the Family and Medical Leave Act of 1993 with amendments.~~

~~Certification must be provided for the entire period of leave. The City may require the employee on leave to report periodically on their status and intention to return to work.~~

Effect on Employment and Benefits

~~Eligible employees returning from Family and Medical Leave FMLA leave will be returned to the position that they held when they went on leave or an equivalent position with equivalent pay, benefits, pay, and other terms and conditions of employment.~~

~~Eligible~~ employees retain all accrued benefits while on FMLA leave. However, employees ~~are not entitled to may not accrue~~ will not accrue seniority or other employment benefits (including credited service toward pension) during any unpaid period of leave.

Employees ~~in a paid leave status~~ will be entitled to continue their health, dental, life, and other benefits while on ~~an~~ approved FMLA leave. ~~Any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. Employees in a leave without pay status while on approved FMLA leave may continue their health, dental, life, and other benefits provided they continue to pay their portion, and the City's portion, of the cost of the benefit.~~

Return to Work

Employees returning to work ~~after an~~from approved ~~medical~~ FMLA leave must provide appropriate documentation that they are able to resume their position.

Employees unable to return to work after the expiration of their approved leave will be eligible to apply for benefits under any other existing City of Rockville leave policy. Should leave not be available or not be granted under any other policy, their employment relationship ~~will~~ may be terminated. If an employee fails to return to work after the employee's FMLA leave has been exhausted or expires, the City may recover its share of health benefits premiums, unless the reason the employee does not return is due to:

- The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or
- Other circumstances beyond the employee's control.

The City may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. The employee is required to provide medical certification within 30 days from the date of the City's request. If the employee does not provide such certification in a timely manner, or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the City may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

~~If an employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, the City may recover its share of health benefits premiums during a period of unpaid FMLA leave, unless the reason the employee does not return is due to:~~

- ~~The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or~~
- ~~Other circumstances beyond the employee's control.~~

~~The City may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. The employee is required to provide medical certification within 30 days from the date of the City's request. If the employee does not provide such certification in a timely manner, or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the City may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.~~

~~Employees unable or unwilling to return to work after the expiration of their approved leave are required to reimburse the City of Rockville the cost of maintaining their benefits coverage during the period of unpaid leave if:~~

- ~~1. the employee fails to return from leave after entitlement has expired; and~~

~~2. the employee fails to return to work for a reason other than:~~

~~a. the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or~~

~~b. other circumstances beyond the employee's control.~~

~~Employees may be required to support their claims of inability to return to work because of the above conditions. In such cases, employees must provide, in a timely manner, certification from the appropriate health care provider.~~

Employees who are among the highest paid 10 percent of eligible employees may be denied restoration to their prior or an equivalent position ~~in accordance with the Family and Medical Leave Act of 1993~~. This may occur when: it is necessary to prevent substantial and grievous economic injury to the City's operation; when they have been notified at the time the City determines injury would occur that the City intends to deny restoration; and, in the case of an employee already on leave, the employee elects not to return to work after being notified of the City's decision.

~~Failure to return to duty immediately after the leave expires (unless other arrangements have been made in advance) will be considered a resignation from the City.~~

11. Bereavement Leave

Regular employees shall be entitled to a three-day leave of absence with pay for a death in the employee's immediate family. The immediate family includes spouse, child, sibling, parent, parent-in-law, foster parent, grandparent, and grandchild, sister-in-law, brother-in-law, aunt, uncle, niece, nephew, and foster child. In some circumstances, bereavement leave may be approved by the Human Resources Director, for non-immediate family members. Such leave will be granted at the request of the employee, subject to valid proof, for the period including the date of death and the day after the burial. An employee who requires more time off because of distant travel or other extraordinary circumstances may be granted one (1) additional day ~~leave of absence~~off with pay by the Human Resources Director.

Employees may be granted one (1) working day off with pay for the death of other close extended family members ~~(extended family member is still related) either related or non-related,~~ with authorization of the Human Resources Director.

Employees represented by AFSCME Local 1453 shall receive Bereavement Leave in accordance with the terms of the Collective Bargaining Agreement.

Requesting Bereavement Leave

The employee, ~~upon learning of the death of a relative, an immediate family member will notify~~ ies the immediate supervisor of his or her current or intended absence, ~~and indicating~~ the relationship of the deceased. ~~For this purpose, the Request for Leave Form will be used. Use of Bereavement Leave is limited to the relatives set forth in the Policy on Leave (PPP# 120-00).~~

~~1. The supervisor notifies the Payroll Division of the Bereavement Leave, which is to be granted for bereavement, by sending a copy of the signed and completed leave slip to them.~~

~~Recording Bereavement Leave~~

~~The supervisor will record Bereavement Leave for an employee as appropriate.~~

12. Job-Injury Leave

Eligibility

Job-Injury Leave is a benefit offered to all regular City employees. Non-regular City employees are not eligible for this benefit.

Job-Injury Leave with pay is granted upon certification by the City's workers' compensation provider insurer, third party administrator, claim service, self insurer and/or Workers Compensation Insurer and/or physician(s)

that ~~the employees is-are~~ unable to perform the duties of ~~his or her their-jjobs~~ and that the incident is compensable in accordance with Workers' Compensation ~~for-laws in~~ the State of Maryland.

New regular employees are eligible from the first day at work. There is no waiting period for eligibility. However, employees must use Sick Leave, Annual Leave, or Leave Without Pay for the first three days of the ~~injury~~ period of disability.

~~Nothing in this policy or procedure will prohibit the City and an eligible employee from reaching a mutually agreeable settlement in lieu of the leave benefit described herein.~~

Payment

In the event an employee sustains a compensable injury or illness rendering them totally disabled while on the job, they shall, after a three (3) calendar day waiting period, receive their regular base rate of pay (not to exceed forty (40) hours per week), less any worker's compensation payments during the period of temporary total disability. Employees are eligible to use their accrued Annual, Sick, or Compensatory Time during the 3-day waiting period. If an employee does not have available accrued leave during the 3-day waiting period, their time will be entered as Leave Without Pay in the city's time and attendance system. If an employee is out of work for more than fourteen (14) days due to a compensable injury, the City will recredit two (2) days of leave used by an employee during the initial three (3) day waiting period. This will occur after the City's workers' compensation insurer has reimbursed the City for this period. If any days within the 3-day waiting period are entered as Leave Without Pay, the city's workers' compensation provider may pay the employee temporary total disability for any unpaid days during the waiting period; assuming the employee remained out of work more than 14-days due to a compensable injury.

~~In the event an employee sustains a compensable injury or illness rendering them totally disabled while on the job, they shall, after three (3) days of absence, receive their regular base rate of pay (not to exceed forty (40) hours per week), less any worker's compensation payments during the period of temporary total disability. If an employee is out of work for more than fourteen (14) days due to a compensable injury, the City will recredit two (2) days of leave used by an employee during the initial three (3) day waiting period. This will occur after the City's Workers' Compensation Insurer has reimbursed the City for this period.~~

~~Should the time off not be authorized by the City's provider Claim Service and/or physician in accordance with Workers' Compensation Laws of the State of Maryland, any payment received by the employee for such time off shall be charged against available leave. If no accrued leave is available, it may be charged as Leave Without Pay. Leave used for approved on-the-job injuries during the first three days will be adjusted at a rate of 66 2/3 percent for leave used for disabilities when the disability exceeds fourteen (14) days.~~

Authorized Job-Injury Leave is payable through the earlier of maximum recovery or two years from the date of injury/illness. Absences for Job-Injury Leave must be authorized solely by the City's workers' compensation insurer, third-party administrator, claim service, self-insurer Claim Service and/or physician. When Job-Injury Leave stops, the disabled individual may continue to be compensated in accordance with the Workers' Compensation Laws of the State of Maryland ~~and the City's Income Protection Program~~.

Job-Injury Leave and Workers' Compensation Reporting Process

1. Employees must, as soon as reasonably practical, ~~immediately~~ report any injury or illness or recurrence of an injury or illness incurred on the job to their immediate supervisor.

a. Employees will notify their immediate supervisor of the details concerning the injury or illness, ~~unless they are incapacitated, immediately~~, as soon as reasonably practical, after the injury or onset of illness.

b. Employees must provide appropriate, acceptable and verifiable medical documentation for any lost time as soon as possible. ~~;~~

~~c. or as soon as possible thereafter~~

~~b. Employees will secure appropriate medical treatment as soon as possible after the injury for their workers' compensation claim. Employees may use the medical facility of their choice for seeking treatment for a compensable workers' compensation injury/illness.~~

~~c. Both Job Injury Leave and associated medical bills will only be paid after confirmation by the City's provider claims service and/or physician that the incident is compensable in accordance with Workers' Compensation laws in the State of Maryland. Employees can use their health insurance plan~~

~~to ensure that medical bills are covered.~~

~~d. Failure of an employee to follow this policy and procedure or any directives or requests concerning Job- Injury Leave may result in forfeiture of benefits and appropriate forms of disciplinary action, up to and including dismissal.~~

~~2. The supervisor will gather information regarding the occurrence of the injury or illness and fill out an appropriate claim form.~~ In the case of a serious injury or illness which either results in a fatality or requires transport or admission to an emergency facility, the Human Resources Department should be notified immediately. Additional reporting requirements are contained in PPP #200-00 and #200-10 Policy and Procedure on Reporting Incidents Involving Property Loss or Personal Injury.

~~3. The Human Resources Department will review and process the report. The Human Resources Department will verify the nature and extent of the injury through the City's provider claim service and/or physician. The Human Resources Department will process the workers' compensation claim with the claims service along with all supporting documents and relevant history, and will authorize the Job Injury Leave as appropriate.~~

3.a. If an employee is denied Job-Injury Leave and is later awarded ~~workers' compensation for~~ temporary total disability by the Maryland Workers' Compensation Commission for that time period, the City will credit Job-Injury Leave for the disputed time, minus any workers' compensation payments, subject to the leave maximum. Any Annual or Sick Leave used will then be credited back to the employee.

4. Approval for Job-Injury Leave will continue based upon compensability determined by the City's workers' compensation provider insurer, third party administrator, claim service, self insurer and/or physician ~~Workers' Compensation Insurer and/or physician~~ until the Workers' Compensation Commission denies the period of temporary total disability, the claim, upon the offer of an alternate duty assignment, or the employee reaches the maximum period, as described in the policy.

~~5. The Workers Compensation Insurer will send the Workers' Compensation Employee form to employees to be completed. The Workers Compensation Insurer will assign the employees a claim number and will coordinate all medical and temporary total Workers' Compensation payments.~~

65. Employees must provide current ~~medical evaluations on the City's Medical Certification Form,~~ appropriate, acceptable and verifiable medical documentation throughout the duration of the absence. Employees are responsible for ensuring that documentation of work restrictions or inability to work is submitted to the Human Resources Department ~~through their supervisors.~~

a. No Job-Injury Leave payment will be made without approval from the City's ~~w~~Workers' Compensation provider ~~Insurer, third party administrator, claim service or self insurance provider.~~ In the event that the documented period of ~~excused absence~~ approved Job-Injury Leave (as indicated ~~on the City's Medical Certification form~~) has expired and no further documentation is received within three days of the expiration date, Job-Injury Leave will be terminated until verifiable proper documentation is received and approval is obtained by the City's workers' compensation provider ~~insurer, third party administrator, claim service, self insurer and/or physician~~ Workers' Compensation Insurer and/or physician. ~~Copies of all documentation must be submitted directly to forwarded to the Human Resources Department upon receipt.~~

76. The Human Resources Department will periodically review the employee's status while on Job Injury Leave. As part of this review, the Human Resources Department may request additional medical evaluations ~~and City Workers' Compensation Insurer~~ and/or physician's certifications.

a. The employee must submit to medical evaluations as requested by the City including independent medical evaluations to receive Job-Injury Leave payments. Failure to submit to any required medical evaluations, ~~including independent medical evaluations,~~ or otherwise comply with the Policy and Procedure on Job-Injury Leave may result in forfeiture of such Leave and disciplinary action.

78. ~~After evaluation of an employee's status, the Human Resources Department will advise the employee's Appointed Official or Department Director, and supervisor, or designee that the employee can:~~

~~a. can return to work; or
cannot return to work at that time. If so, there will be an estimation of when the employee will be able~~

~~to return to work; or
cannot return to work at any time and is determined to be at maximum recovery; or
perform alternate work duties as certified by the City's workers' compensation provider.~~

~~b. perform alternate work duties as certified by the City's workers' compensation insurer, third party administrator, claim service, self insurer and/or physician Workers' Compensation Insurer and/or physician; or~~

~~(1) The Department Director will assign alternate duty work, if available, in existing budgeted positions.~~

~~(2) Payments of Job Injury Leave will stop upon the offer and availability of alternate duty work that the City's provider Workers' Compensation Insurer and/or physician certifies the individual is capable of performing.~~

~~(3) While performing alternate work duties, the employee's condition will be monitored by the Human Resources Department through the City's provider. Workers' Compensation Insurer and/or physician's statement and/or Medical Certification forms other appropriate medical documentation; or~~

~~c. cannot return to work at that time. If so, there will be an estimation of when the employee will be able to return to work; or~~

~~d. cannot return to work at any time and is determined to be at maximum recovery.~~

~~98.~~ Employees receiving Job-Injury Leave payments are responsible for:

a. following all doctor's orders including any treatment plans prescribed during their recovery;

b. being available to the City during normal working hours, unless alternate leave has been approved for personal business;

c. accepting any alternate duty offered, provided it is within the medical limitations authorized by the City's workers' compensation provider; and/or physician ~~Workers' Compensation Insurer and/or physician;~~

~~d. signing over to the City all Workers' Compensation payments for periods of time covered by Job Injury Leave.~~

e. complying with all policies, procedures and directions concerning Job-Injury Leave.

910. Employees on Job Injury Leave will remain responsible for their share of benefit premium payments. Regular benefit and other deductions will continue to be made while an employee is receiving Job-Injury Leave payments. While an employee is receiving Job-Injury Leave payments, no Annual or Sick Leave will accrue. All paid time on Job-Injury Leave will count as time worked for purposes of service awards and benefit calculations only.

~~**Recording and Processing Job Injury Leave**~~

~~1. The supervisor will record time spent on Job Injury Leave by an employee as directed by the Payroll Division, up to the maximum permitted by the Job Injury Leave Policy.~~

~~2. The Payroll Division will ensure through that the maximum Job Injury Leave is not exceeded and that all benefit accruals and payments are proper based on this Policy and Procedure.~~

~~3. The Payroll Division will verify all Job Injury Leave requested with the Human Resources Department to ensure that appropriate medical documentation has been received and that the Job Injury Leave is authorized.~~

~~4. At the end of each calendar year, the Payroll Division is responsible for adjusting the taxable wages of all employees who received Job Injury Leave and who signed their workers' compensation payments over to the City. These employees' year end W-2's will reflect the adjusted taxable income based on the amount of non-taxable workers' compensation payments received during that calendar year.~~

~~**13. Off The Job Injury/Illness Leave**~~

~~Regular employees sustaining injuries or illnesses off the job, after completing one year and one day of service, may be eligible for Off the Job Injury/Illness Leave. Off the Job Injury/Illness Leave is equal to an employee's regular base rate of pay in effect at the time of the injury or illness and is payable after a six month initial waiting period to the earlier of the employee's maximum recovery or two years from the date of injury/illness. Eligibility for Off the Job Injury/Illness Leave is also contingent upon the criteria that employees cannot perform their job, there is a lack of alternate duty work and that the individual is unable to work with or without reasonable accommodations. All Off the Job Injury/Illness Leave is reduced by Social Security or legal settlements related to the injury/illness and may be reduced by outside earnings.~~

~~During the initial six month period, employees must use their accrued Sick or Annual Leave or request Family and Medical Leave Without Pay or general Leave Without Pay as may be appropriate as defined by the policies and procedures specific to these forms of leave. Employees who are members of the Sick Leave Bank may apply for additional Sick Leave through the Sick Leave Bank. All leave is subject to appropriate, acceptable medical certification on the City's Medical Certification form. The City reserves the right to verify all medical certifications and/or refer an employee for an independent medical evaluation. Where a difference of opinion exists, the City shall be guided by the independent medical evaluation.~~

~~Employees who continue to be unable to perform their duties may be entitled to Off the Job Injury/Illness Leave after the initial six month period. Between six months and the earlier of two years or maximum recovery, medical certifications continue to be required and alternate duty assignments or reasonable accommodations may be made. Employees who reach maximum recovery or who exhaust the two year maximum for Off the Job Injury/Illness Leave may be entitled to additional benefits as defined in the City's Income Protection Policy (See PPP# 123-20).~~

14. Inclement Weather Leave

When an executive order to close has not been issued, employees who are absent, late for work, or leave early during inclement weather must charge such absence to accumulated Annual Leave or accrued Compensatory Leave. The City Manager or designee may authorize such absences on an individual basis provided that necessary services remain in operation.

During inclement weather conditions, the City Manager's Office will notify the ~~Department Director~~ [Department Heads](#) ~~that if~~ a liberal leave policy is in effect. This means that ~~Department Director~~ [Department Heads](#) may use supervisory discretion in granting such leave. If an employee has no accumulated Annual or Compensatory Leave, the time off must be recorded as Leave Without Pay.

When a weather emergency has been declared, some employees may be granted leave as outlined below.

Staffing Guidelines

In order that public services may be provided, all City offices will generally be open during inclement weather to serve the public during usual business hours. Therefore, maintaining an acceptable level of employee attendance is essential. However, there are certain severe inclement weather conditions which create emergency situations beyond the control of employees, and which could affect attendance. Of primary concern is the provision of essential services to the public. To that end, the level of staffing required will be based on serving the public rather than accommodating employees.

The ~~Department Director~~ [Department Heads](#) are responsible for determining the level of staffing within their respective departments and the notification procedures necessary to implement this Policy.

Employees customarily assigned to snow and ice control duties are also governed by other applicable directives.

Definitions

Inclement Weather Emergency: any weather condition, such as snow and ice storms, floods, hurricanes, etc., that represents a threat or danger to the welfare of employees and/or extreme risk to City property as determined by the City Manager or designee.

Essential Employees: the minimum number of employees designated by the ~~Department Director~~ [Department Head](#)s as required to operate specific City functions. Those employees are expected to report to or remain at work as notified during a weather emergency.

Liberal Leave: During inclement weather a liberal leave policy may be placed into effect. A liberal leave policy means that the rules governing the time frames for requesting and granting of Annual and Compensatory Leave and Leave Without Pay are relaxed to accommodate individuals who cannot report to work on time, or at all, due to inclement weather conditions.

Inclement Weather Emergency Process

In the event of inclement weather, the City Manager will determine whether it is warranted to declare an inclement weather emergency and whether all employees or only essential employees are required to report to or remain at work. Essential employees will be identified and notified of such designation by their ~~Department Director~~ Department Head.

If severe inclement weather occurs or is expected before the normal workday begins, the City Manager will decide whether conditions warrant declaring an inclement weather emergency and direct that only essential employees should report to work. That decision will be relayed via ~~certain local radio stations~~ Alert Rockville, email, and the City's Weather Line. In the absence of such ~~radio~~ announcements, all employees are expected to report to work.

Declaration of an Inclement Weather Emergency

1. The City Manager will determine the starting and ending time of an emergency whenever an "inclement weather emergency" is declared. During the period of emergency, when only essential personnel are to report to or remain at work, the following rules will apply:

a. Essential employees reporting to or remaining at work will be paid regular time for their scheduled shift plus, if eligible, time-and-a-half for all hours worked beyond the 40-hour workweek as approved. They will also accrue Administrative Leave equivalent to that given to non-essential employees during the inclement weather emergency. Such leave will be recorded by the department and available for the employee to take upon reasonable request.

b. Essential employees who are unable to report to work during an inclement weather emergency may request Annual Leave provided they properly notify their supervisors. The approval of such a request is at the sole discretion of the supervisor. Those who do not properly notify their supervisors will not be paid for the day and will be recorded as absent without permission (AWOP).

c. Essential employees who are unable to remain at work after an inclement weather emergency has been declared may request Annual Leave for the remainder of their shift. Such leave must be approved by the supervisor.

d. Employees not required to report to or remain at work will be paid Administrative Leave for their regularly scheduled shift or for that portion of their shift covered by the period of emergency, subject to the following exceptions:

(1) Employees already out on scheduled leave on the day emergency conditions arise will be charged appropriate leave for the day; and

(2) Employees who elect to leave early because of weather conditions and are granted Annual Leave prior to an announced period of emergency will be charged Annual Leave.

e. Employees who report to or remain at work during an inclement weather emergency, even though not required to do so, will receive no extra compensation.

2. In the absence of a City Manager declaration that an inclement weather emergency exists and that only essential employees report to work, despite inclement weather conditions, all employees are expected to report to work. In such instances, the following rules will apply:

a. Employees who are late in reporting to work will be paid a full day's pay provided that they report within a reasonable amount of time and that the time missed from work will be charged against available appropriate accumulated Annual or Compensatory Leave.

b. Employees who are unable to report to work due to weather conditions, but who properly notify their supervisors, may be charged Annual Leave for the day. Employees unable to report to work due to illness will be placed on Sick Leave and may be required to provide an acceptable, verifiable note from a physician substantiating the absence. Those who do not properly notify their supervisors will not be paid for their absences and will be recorded as absent without permission (AWOP).

3. ~~Department Director~~ Department Head Responsibilities:

- a. establishing procedures and work records as necessary in order to ensure uniform administration and accountability of work activity to include accurate recording of overtime and leave records;
- b. developing and maintaining up-to-date notification lists so that supervisors can notify employees of decisions affecting them during inclement weather emergencies;
- c. ensuring that supervisory personnel are available to employees by telephone to respond to any questions or concerns on the nature of the inclement weather emergencies;
- d. posting names of designated essential employees so that they understand the department plans and they are able to perform the essential services required; and
- e. ensuring that all employees are aware of their assignments and responsibilities in inclement weather emergencies.

PPP # 120-105

Procedure on Off-the-Job Injury/Illness Leave

PURPOSE

~~The purpose of this Procedure is to implement the Policy concerning Off the Job Injury/Illness Leave (PPP# 120-00).~~

PRINCIPLES

~~Off the Job Injury/Illness Leave is a benefit offered to all regular City employees after completing one year and one day of service. In the event a regular employee who qualifies as stated above sustains an injury or illness off the job rendering them unable to perform their job, they may, after a six month waiting period, be entitled to receive their regular base rate of pay in effect at the time of the injury/illness. Off the Job Injury Leave is payable to the earlier of the employees' maximum recovery or two years from the date of injury/illness.~~

~~Off the Job Injury/Illness Leave will not be paid for injuries arising from but not limited to the following activities: underwater diving, hang gliding, para sailing, para kiting, parachuting, skydiving or mountain climbing or racing by automobile, motorcycle, motorboat or snowmobile, or other similar dangerous recreational activities, or civil disorders, or upon conviction of illegal acts. The intent of identifying these activities is to give employees notice of those types of activities which, by their demonstrated danger to participants, shall not be covered.~~

~~Payment of Off the Job Injury/Illness Leave benefits is subject to the City's operational needs.~~

~~Nothing in this Policy or Procedure will prohibit the City and an eligibly disabled employee from reaching a mutually agreeable settlement in lieu of the Leave benefits described herein.~~

ELIGIBILITY

~~Regular employees after completing one year and one day of service may be eligible for Off the Job Injury Leave benefits.~~

~~Eligibility for Off the Job Injury/Illness Leave is contingent upon lack of alternate duty work and inability of the employee to perform their current job with or without reasonable accommodations. All Off the Job Injury/Illness Leave is reduced by Social Security or legal settlements related to the injury/illness and may be reduced by outside earnings and workers compensation.~~

BENEFITS

For the first six months of an off-the-job injury/illness, eligible employees use their accrued Sick or Annual Leave or may request Family and Medical Leave Without Pay or general Leave Without Pay or any other appropriate Leave in accordance with PPP# 120-00. Employees who are members of the Sick Leave Bank may apply for additional Sick Leave through the Sick Leave Bank. At the end of this initial six month waiting period, employees may receive Off the Job Injury/Illness Leave which is their regular base rate of pay in effect at the time of the injury or onset of illness. Off the Job Injury/Illness Leave is payable to the earlier of maximum recovery or two years from the date of the injury or onset of illness.

At the earlier of maximum recovery or two years, when Off the Job Injury/Illness Leave expires, employees may be eligible for continued income at 60 percent of their gross pay as outlined in the Income Protection Policy (PPP# 123-20).

REQUESTING BENEFITS

1. Employees should secure medical care and treatment immediately after the injury or onset of illness. The employees' doctors should estimate the projected time off the job by the employees and the employees will provide documentation of all lost time as soon as possible to the City through their supervisors. Such documentation should include but not be limited to the length of time off, the employees' ability to perform their jobs, a prognosis and anticipated duration, as well as their work restrictions indicating their ability to perform alternate duty work.

In the event of an injury or illness that causes employees to be unable to perform their duties, employees must notify their immediate supervisor as soon as possible after the medical determination has been made.

2. During the first six months of injury/illness, employees may use whatever Leaves are appropriately available to them in accordance with the Policy on Leave (PPP# 120-00) and any associated Procedures.

Employees will provide current medical certification forms every three months throughout the duration of the illness or injury. All time off must be certified by a licensed physician.

The City reserves the right to have an independent medical certification and evaluation made by a City-approved physician. In the event of conflicting opinions, the City will be guided by the results of the independent medical examination.

The Department Director

~~return to work immediately,~~

~~The employee will then be expected to return to work. If the employees fail to return to work when the medical opinion indicates that they may, employees may continue to use any available, accrued leave after which they may apply for a Leave without Pay. Employees may be terminated if in the opinion of the City Physician they can return to work and they refuse to do so.~~

~~perform alternate duty work only,~~

~~The employee will be assigned any available alternate duty work, or~~

~~If no alternate duty work is available, the Personnel Department will authorize the supervisor to input Off the Job Injury/Illness Leave.~~

~~Failure to accept alternate duty work when available and when authorized by the City physician may be cause for dismissal.~~

~~cannot return to work (in any capacity at that time);~~

~~The Personnel Department will obtain an estimation of when the employee will be able to return to work.~~

~~During this time, Off the Job Injury/Illness Leave will be authorized to the maximum permitted under this Policy;~~

~~can never return to work;~~

~~If the medical opinion indicates that an eligible employee is at maximum recovery (can never return to their job) at the expiration of the six month waiting period, that employee may be entitled to Income Protection Policy benefits as outlined in PPP# 123-20, but will not be eligible for Off the Job Injury/Illness Leave.~~

~~The Human Resources Department will ensure that an action paper is completed to authorize the payment of Off the Job Injury/Illness Leave when appropriate. Authorization of Off the Job Injury/Illness payments means that appropriate medical documentation has been received and no alternate duty work is available or reasonable accommodations will be effective.~~

~~For any Off the Job Injury/Illness Leave time authorized by the Human Resources Department, the Supervisor will complete and submit the appropriate leave slips as determined by the Payroll Division.~~

~~BENEFITS DURING OFF-THE-JOB INJURY/ILLNESS LEAVE~~

~~Employees will continue to be eligible to participate in the City's employee benefit programs while on Off the Job Injury/Illness Leave in accordance with the terms of the contractual benefit agreements. No annual or Sick Leave will accrue during authorized Off the Job Injury/Illness Leave. Employees continue to pay their share of the benefits and the City pays its share.~~

~~Employees eligible for longevity payments will continue to receive these payments and time on Off the Job Injury/Illness Leave will count for purposes of service time with the City.~~

PPP # 123-00

~~Policy on Employee Benefits Health, Welfare and Dental Insurance, Income ProtectionIncome Protection Benefits, Long Term Disability, and Death Life Insurance Benefits, and Death Benefits~~

PURPOSE

The Purpose of this Policy is to establish rules for the administration of the City's health, and dental insurance, income protectionincome protection benefits, long-term disability and , deathlife insurance benefits, death benefits, and other programs.

PRINCIPLES

City Programs

The City provides health, dental, ~~income protection~~~~long term disability~~~~death~~ life insurance, death benefits, and other programs for regular employees. Specific program eligibility is determined by an employee's status. These programs are structured to meet the needs of employees and, along with salary, are a part of the total compensation package which is designed to both accommodate ~~the~~ employees and help the City maintain a competitive position in the employment market.

Summaries of these programs are set forth below. More detailed information describing these programs is available in the Human Resources Department.

PPP # 123-10

Procedure on Health and ~~Welfare~~ Dental ~~Benefits~~ Insurance

PURPOSE

This Procedure establishes a system for implementing the Health and ~~Welfare~~ Dental Benefits described in the Policy on Employee Benefits Health and Dental Insurance, Income Protection Benefits, Long Term Disability and Life Insurance, and Death Benefits (PPP # 123-00). ~~on Health, Welfare, Income Protection, and Death Benefits (PPP# 123-00).~~

GENERAL RULES

Health ~~Care Program~~ and Dental Insurance Enrollments/Changes

Any regular employee ~~who elects to participate in a City-sponsored group health plan~~ must ~~complete submit an appropriate election within 30 days of employment in order to participate in a City-sponsored group health or dental insurance plan membership enrollment forms.~~ ~~These forms are available in the Human Resources Department and must be completed within one month of employment.~~ New employees will be given ~~the enrollment forms along with~~ detailed information about each of their health and dental plan options during their new-hire orientation.

After the initial option to join, employees may only enroll or change health or dental care plans ~~only~~ during the City's annual open enrollment period. The open enrollment period is generally held in November with an effective date of the following January ~~1st~~ 1st. However, employees may apply for coverage outside of the open enrollment period ~~in cases of extreme need due to qualifying events.~~ Generally, ~~this~~ these ~~are~~ is considered to be when employees or dependents gain or lose coverage from another source through no fault of their own. Acceptance into the plan is not guaranteed.

As required by IRS Section 125, employees may make certain changes to their benefits outside of open enrollment only under certain circumstances, based on a "qualified change in family status". In such cases, the employee must elect the change and submit appropriate documentation within 30 days of the qualifying event, or may be required to wait until the next open enrollment. ~~Employees may elect to change their type of coverage (i.e., family, two person, single) under certain circumstances. An employee may add or delete eligible dependents during any open enrollment period. Outside of the open enrollment period, an employee may add newly eligible dependents within 30 days of eligibility. For example, employees who marry may add the new spouse within 30 days of marriage or must wait until the next open enrollment.~~

~~Employees may change their status outside of the open enrollment only under certain circumstances. If employees are participants in the City's Pre-Tax Section 125 Premium Reduction Program, changes in coverage type may be made only when a "qualified change in family status" occurs. Other members may apply regardless of a qualified change in family status.~~

For purposes of this program, a ~~qualified change in family status~~ ing event ~~is defined as~~ may include:

- an employee's marriage, divorce, or legal separation;
- the birth, adoption, or change in custody of a dependent;
- the death of the employee's spouse or dependent;
- change of job location or residence out of the service area of the medical plan;
- the employee's or employee's spouse's switching from part-time to full-time employment status, or

- vice versa;~~and~~
- the employee's dependent meeting or failing to meet the plan's eligibility rules
- the employee or employee's dependent gaining or losing other coverage due to a change in employment status
- ~~the employee's or the employee's spouse's taking an unpaid leave of absence.~~

~~To effect any change, an employee must always complete an appropriate health plan form within 30 days of the event. Health plan change forms are available in the Human Resources Department.~~

Premiums required to be paid by the employee will be deducted automatically from paychecks, based upon the effective date and type of coverage specified by the employee. These deductions may be adjusted from time to time to reflect benefit or premium changes in the City's group contracts.

Dental Credit Plan

~~For those employees who participate in the health plan but choose not to participate in the dental plan, the City applies defers its contribution for the dental plan and instead applies it to the health plan premiums. As a result, health premiums are reduced by the City's dental contribution amount.~~

Health and Wellness Program

The City, through its ~~Wellness Coordinator~~Health and Wellness Program Manager, may provide a variety of voluntary health fairs, programs, screening, etc., all designed to enhance the physical and mental well-being of its employees. Employees are encouraged to participate in these various activities as designed for their benefit. Programs are either free or are available at a nominal cost.

Lactation Accommodations

~~The City of Rockville supports will provide employees with appropriate accommodations for expression of breastmilk. employees' need for lactation services. We support employees who choose to breastfeed through:~~

- ~~— The provision of paid time away from their workstations during their regular working hours for milk expression for women with children up to 18 months of age; employees are expected to take breaks to express milk at normal rest or meal periods whenever possible;~~
- ~~— Further, supervisors are encouraged to consider flexible schedules to accommodate mothers' breastfeeding needs.~~

~~The City will look for each individual facility to identify appropriate accommodations for milk expression by:~~

- ~~— Providing a sanitary room or other location, other than a bathroom or toilet stall, where an employee can express milk in privacy and security from intrusion in all City owned buildings where City employees work~~
- ~~— Ensuring that running water or nearby access to running water is available so employees can wash their hands and equipment~~
- ~~— Ensuring that employees have access to a refrigerator/freezer or other suitable mechanism to keep pumped milk safe; if the workplace refrigerator is used for breast milk storage, employees are required to clearly label breast milk with name and date~~
- ~~— Where possible, electricity should be available in the private spaces to accommodate electric breast pumps.~~

~~The City of Rockville will encourage and support employees through:~~

- ~~— Enforcing the expectation that all employees are to respect and support breastfeeding efforts by fellow employees~~
- ~~— Ensuring that all breastfeeding and pregnancy communications with staff and management promote a positive view of breastfeeding~~
- ~~— Notifying all employees of the person or entity to whom employees should give notice of intent to express milk at work; employees are expected to provide reasonable notice to supervisors that they intend to express milk at work~~
- ~~— Encouraging supervisors to make every effort to make employees aware of this breastfeeding policy, as well as the private space, prior to taking maternity leave~~

PPP # 123-40 **Procedure on Life Insurance**

PURPOSE

This Procedure establishes a system for implementing the Life Insurance described in the Policy on ~~Health and Dental Insurance, Income Protection Benefits, Long-Term Disability and Life Insurance, and Death Benefits~~ Employee Benefits (PPP # 123-00).

The City provides group life insurance which covers all active regular full-time and regular part-time employees, and ~~appointed officials~~Charter -Appointed Officials., It does not provide benefits for temporary ~~and employees. seasonal employees.~~

~~Death benefits under this basic group life insurance are payable to the employee's designated beneficiaries and are usually equal to one hundred and fifty percent (150%) of the employee's base annual salary with a cap of \$250,000. Accidental death and dismemberment benefits are included in the plan and are payable under some circumstances as defined in the insurance contract.~~

~~New employees may purchase a limited amount of additional life insurance for themselves and certain family members without providing evidence of good health. This must be done within 30 days of the first day of employment. Thereafter, employees and certain family members may apply for additional life insurance by providing evidence of good health in accordance with the terms of the current contract. Pre-existing conditions may not be covered after the initial period of eligibility.~~

~~Dental Plan~~

~~The City offers a dental plan to its employees. For those employees who participate in the health plan but choose not to participate in the dental plan, the City defers its contribution for the dental plan and instead applies it to the health plan premiums. As a result, health premiums are reduced by the City's dental contribution amount.~~

~~Enrollment in the City's dental plan is done upon hire or during the City's open enrollment period. Once enrolled, employees continue to be enrolled unless they make a written application to drop coverage during the annual open enrollment period.~~

~~Changes in coverage type are handled as previously described under Health Care Program Enrollment/Changes. As noted, changes in coverage type must be requested within 30 days of the event (e.g., marriage). Once coverage is elected, an employee may drop it only at the annual open enrollment or due to a qualified change in family status.~~

~~Ance~~

PPP # 123-20

Procedure on Income Protection Benefits

PURPOSE

The purpose of this Procedure is to implement the Policy concerning Income Protection benefits for employees receiving Income Protection Benefits prior to the implementation of Long-Term Disability Insurance Benefits.

Note that the Income Protection benefit (for non-work-related injuries/illnesses) was replaced by Long-Term Disability Insurance effective July 1, 2018. Individuals who were receiving Income Protection benefits (IPP) on that date are "grandfathered" and must comply with the requirements of this policy.

PRINCIPLES

Income Protection is a self-insured benefit which may be available to regular employees after incurring either a compensable job-related or non job-related injury or illness and after following the policies and procedures for Job-Injury Leave and Off-the-Job Injury/Illness Leave. (See PPP# 120-00, 120-100, and 120-105.)

INCOME PROTECTION BENEFITS - JOB-INJURY

1. Income Protection benefits may be available to regular, benefit-eligible employees after incurring a compensable job-related injury or illness and reaching the earlier of maximum recovery or two years of Job-Injury Leave benefits when the employees cannot do their former jobs or any other available City jobs as a

result of their injury or illness.

2. Income Protection benefits relative to job injuries are payable at 66 2/3 percent of gross pay minus Social Security, Workers' Compensation, and that portion of any legal settlement required to cover the costs to the City for Income Protection and may be reduced by outside earnings as defined herein.

3. Individuals who can do no work for which they are reasonably suited by education and training may receive a bi-weekly benefit payment equal to 66 2/3 percent of gross pay until the earlier of recovery or normal retirement age.

4. Individuals who can perform some work for which they are reasonably suited by education and training may receive bi-weekly payments of 66 2/3 percent of gross pay until:

a. The City payment plus any outside earnings, except in cases involving police officers, provided however, that the police officer does not become employed in a similar position as a law enforcement officer or chief, equal to 100 percent of gross pay, at which time the City payment will be offset dollar for dollar for the earnings in excess of 100 percent of gross pay; or,

b. The injured employee at fullest extent of recovery, the City, the City's claims service or representatives of same identify a job reasonably accessible in the Washington metropolitan area at a pay level equal to 100 percent of gross pay; or,

c. The condition for which a payment is made no longer exists.

INCOME PROTECTION BENEFITS - OFF-THE-JOB INJURY/ILLNESS

Note that this benefit was also replaced by Long-Term Disability Insurance effective July 1, 2018. For those employees determined to have pre-existing conditions, Off-the-Job Injury/Illness benefits will be available until June 30, 2020. Such employees need to comply with the requirements of this policy.

1. Income Protection benefits may be available to regular, benefit-eligible employees who have completed one year and one day of service after:

a. incurring an off-the-job injury or illness which prevents the employee from performing their former job or any other City position, and

b. completing a six-month waiting period from the date of the injury or onset of illness, and

c. reaching the earlier of maximum recovery or two years of Off-the-Job Injury/Illness Leave benefits.

2. Income Protection benefits relative to off-the-job injury/illness are payable at 60 percent of gross pay minus Social Security, that portion of any legal settlement required to cover the costs to the City for Income Protection and may also be reduced by outside earnings as described herein or workers' compensation.

3. For persons who can do no work for which they are reasonably suited by education and training, payment of 60 percent of gross pay may continue for ten years from the date the Income Protection payments begin. For individuals who are permanently and totally disabled, payments may continue until normal retirement.

4. For persons who can do some work for which they are reasonably suited by education and training, payment of 60 percent of gross pay continues until:

a. The City payment plus any outside earnings from other employment equal 100 percent of gross pay, at which time the City payment will be offset dollar for dollar for the earnings in excess of 100 percent of gross pay; or,

b. The injured employee at fullest extent of recovery, the City, the City's claims service or representatives of the same identify a job reasonably accessible in the Washington metropolitan area at a pay level equal to 100 percent of gross pay, at which time the City payment will stop; or,

- c. The condition for which a payment is made no longer exists.

Income Protection payments will not be made for injuries arising from but not limited to the following activities: underwater diving, hang gliding, para-sailing, para-kiting, parachuting, skydiving or mountain climbing or racing by automobile, motorcycle, motorboat or snowmobile, or other similar dangerous recreational activities, or civil disorders, or upon conviction of illegal acts. The intent of identifying these activities is to give employees notice of those types of activities, which by their demonstrated danger to participants, shall not be covered. Individuals who choose to pursue these activities must provide their own income protection.

REQUESTING BENEFITS

~~1.-Eligible employees who reach maximum recovery or who have exhausted all Job Injury or Off the Job Injury/Illness Leave benefits may apply for Income Protection benefits by writing a memorandum to the Human Resources Department through their supervisor and Department Director Department Head requesting consideration of Income Protection payments.~~

~~Employees must provide with the memorandum acceptable medical documentation of the injury or illness and must certify that all data is true and correct to the best of their knowledge.~~

~~The City reserves the right to send employees for an appropriate medical examination to verify the data provided in the employees' medical certification forms. Should the medical opinions differ, the medical opinion of the City appointed physician will determine an employees eligibility for Income Protection payments.~~

~~2.-The Human Resources Department, upon receipt of a request for benefits, will review the request in terms of compliance with all Policies and Procedures and will make a recommendation to accept or deny the request to the City Manager through the Department Director Department Head.~~

~~3.-Once a decision has been made regarding Income Protection payments, the Human Resources Department will notify the employee.~~

~~4.-At the time Income Protection payments begin, the employee will be separated from employment and placed in a non-active, disability retirement status.~~

~~5.-The Human Resources Department will arrange an exit interview with employees who will begin receiving Income Protection payments and will notify these employees of their benefits and responsibilities under the Policy.~~

INCOME PROTECTION PAYMENTS - STATUS OF BENEFITS

Individuals receiving Income Protection payments may be eligible to continue to have deductions made for medical and dental insurance. The City may pay the City's share of medical and dental premiums and employees will pay their share in accordance with the benefit contracts.

Benefits under the retirement and life insurance plans will be provided based on the terms of the City's contractual agreement or official pension plan at the time Income Protection payments are made.

The City will pay for the total cost of health and dental insurance for individuals who are totally and permanently disabled due to a work-related injury or illness until normal retirement age, where such a benefit is permitted, in accordance with the benefit contracts.

EMPLOYEE RESPONSIBILITIES

1. Individuals receiving payments under this Policy must submit medical certification on a semi-annual basis to continue to be eligible for program benefits.
2. Medical certifications must be submitted on the City's Medical Certification form. The City may require an individual receiving payments to see a City-appointed physician to verify disability status.
3. Individuals must certify their annual earnings by providing the City with a complete copy of their latest federal tax withholding forms annually.

4. Individuals must notify the City immediately upon learning of a Social Security determination, workers' compensation determination or settlement, legal settlement regarding the illness or incident or upon acceptance of outside employment.

5. Individuals must comply with all of the terms of this Policy and Procedure to continue to be eligible for Income Protection payments. Failure to comply with the terms of this Procedure is grounds for immediate and permanent termination of payments.

GENERAL PROVISIONS/DEFINITIONS

The following provisions apply to Income Protection payments regardless of how the injury or illness occurred.

1. The Human Resources Department will provide assistance to individuals in preparing resumes, copying resumes or reasonable guidance in job seeking and may provide information regarding job seeking reference materials.
2. There is nothing in this provision that would prohibit the City and a disabled employee from reaching a mutually agreeable settlement in lieu of the Income Protection payments provided herein.
3. For purposes of Income Protection payments, the following conditions will be considered 100 percent disabling even if an employee can work: the complete loss of sight of both eyes, or the complete loss of use of both hands, or both feet, or one hand and one foot, or the complete loss of speech. Payments for these conditions will continue until retirement providing the individual complies with the other terms of the Policy and Procedure.
4. Gross pay on which payments will be calculated is the employee's base pay before tax earned and averaged over the twelve months prior to a determination being made.
5. COLAs for Income Protection payments will be distributed on a fiscal year basis consistent with the determination that is made for regular employees.
6. Income Protection payments will not be made for Alcohol and Drug addiction.
7. Employees whose physical conditions improve and who wish to return to City employment may apply for any City vacancy and will be given every consideration for any position for which they qualify.
8. The City may require a waiver option on pre-existing injuries, illnesses or disabilities for new hires.
9. Any money withheld from Income Protection payments will be done in accordance with all applicable Federal and State Income Tax Laws, Internal Revenue Service Rules, etc.

PPP # 123-30 **Procedure on Long-Term Disability Insurance**

PURPOSE

This Procedure establishes a system for implementing the Long-Term Disability (LTD) Insurance described in the Policy on Health and Dental Insurance, Income Protection Benefits, Long-Term Disability and Life Insurance, and Death Benefits (PPP # 123-00).

The City provides long-term disability insurance as an income protection benefit.

Eligibility

Active regular full-time and regular part-time employees and ~~appointed officials~~ Charter -Appointed Officials who have worked for the City for 12 months and who work a minimum of 30 hours per week are eligible for this benefit. Contract employees may be eligible in accordance with the terms of their contracts. ~~Temporary and seasonal employees~~seasonal employees are not eligible.

Benefits

Benefits may be available after a 90 calendar day elimination period, during which time employees may use their own paid leave, unpaid leave, and leave from the Short-Term Disability Leave Bank. Employees will be required to submit a claim to the LTD insurance carrier to apply for benefits by the end of the elimination period.

If an employee's claim is approved, the insurance carrier will pay the employee up to 60% of their base salary, to a maximum monthly benefit of \$10,000. Employees may supplement LTD benefits with their own paid leave to reach up to 100% of their base salary.

LTD benefits may continue for up to nine months with an individual remaining employed by the City. Benefits may then continue until Social Security Normal Retirement Age or for a maximum benefit period (for employees who are age 60 or over), whichever is later.

Individual circumstances and details of the insurance contract will determine actual benefits. Additional information is available from Human Resources.

PPP # 123-30 **Procedure on ~~Death~~ Death Benefits**

PURPOSE

This Procedure establishes a system for implementing the ~~Death~~ Death Benefits described in the Policy on ~~Health, Welfare, Income Protection and Death Benefits~~ (within PPP# 123-00).

GENERAL RULES

Eligibility

This Procedure defines the benefits available to beneficiaries of regular full-time or part-time employees who die while actively employed.

Group Life Insurance

~~The City provides group life insurance which covers all active regular full time and regular part time employees, elected and appointed officials Charter Appointed Officials, and may cover contract employees in accordance with the terms of their contracts. It does not provide benefits for temporary and seasonal employees.~~

Death benefits under the basic group life insurance are payable to the employee's designated beneficiaries and are usually equal to one hundred and fifty percent (150%) of the employee's base annual salary. Accidental death and dismemberment benefits are included in the plan and are payable under some circumstances as defined in the insurance contract. Copies of the insurance contracts are available in the Human Resources Office.

~~New employees may purchase additional life insurance equal to their annual base salary without providing evidence of good health. This must be done within 31 days after employment. Thereafter, employees may apply to the carrier for additional life insurance by providing evidence of good health or in accordance with the terms of the current contract. Pre-existing conditions may not be covered after the initial open enrollment.~~

Line of Duty Work-Related Death Benefit

For all regular benefitted employees, in addition to any life insurance benefit to which a City employee's beneficiaries may be entitled, the City shall provide an employee's designated beneficiary a death benefit in the amount of \$150,000 if the employee's death arose out of and occurred during the performance of their job duties.

Line of Duty Death Benefit

If a police officer dies in the line of duty as a direct result of the performance of his or her duty, the City shall provide an employee's designated beneficiary a death benefit in the amount of \$150,000. "Line of duty" means any action the deceased employee was obligated or authorized to perform by rule, regulation, condition of employment or service, or law. This benefit is in addition to any life insurance benefit to which a City employee's beneficiary may be entitled.

Pension

~~Certain beneficiaries of employees may be entitled to death benefits from the pension plan. These benefits will vary based on the plan to which the employees belong and the length of credited service at the time of their death.~~

Health and Dental Insurance

Eligible covered dependents of employees who were participating in a health or dental plan may elect to continue coverage through one of the City's plans in accordance with health plan continuation laws. Generally, a beneficiary may continue coverage for up to 36 months after the death of an employee by paying 102% of the cost of the coverage. This period may be extended in certain circumstances. The Human Resources Department or third-party administrator will provide eligible dependents with appropriate notifications of the length of coverage and the cost at the time of the employee's death.

Long-Term Disability

A death benefit may be available for covered employees.

Application for Death Benefits

The Human Resources Department, upon receipt of an appropriate death certificates ~~(each bearing an official seal to attest to their authenticity)~~, will assist in processing for payment any insurance, leave balances, pension, and other monies as may be due to designated beneficiaries, and will work to ensure disbursements of such funds in accordance with the laws of the State of Maryland.

PPP # 127-00 Policy on Employee Assistance Program

PURPOSE

The purpose of ~~the~~ this Policy is to define the services offered by the Employee Assistance Program (E.A.P.).

PRINCIPLES

The Employee Assistance Program offers individual counseling as well as referral and follow-up services for employees who need assistance dealing with problems that affect their job performance and personal life.

PPP # 127-10 Procedure on Employee Assistance Program

PURPOSE

The purpose of this Procedure is to implement the Policy on Employee Assistance Program (PPP# 127-00).

GENERAL RULES**Eligibility**

Services established by this Policy are available to all regular full or part-time, benefit-eligible employees and their dependents.

Services

Employee Assistance Program services include:

- confidential assessment, counseling, referral, and follow-up for all employees and dependents;
- around-the-clock access to counselors;
- training seminars and workshops for senior-level management, supervisors, and employees;
- consultation with supervisors to assist with employees "at risk";

-
-
-
-
- Critical Incident Stress Debriefings that respond to traumatic events in the workplace such as robberies, sudden deaths, violence in the workplace, or natural disasters.

The terms and conditions of the EAP, including services offered, may change depending upon the EAP provider.

Self-Referral

Employees and their dependents may confidentially refer themselves to the EAP for assessment.

~~Supervisors may suggest self-referral if an employee approaches them with a personal problem and no work performance problem is involved. In this instance, whether the employee or their dependents utilizes the EAP will remain completely confidential unless the employee chooses to disclose this information.~~

Employees who refer themselves to the EAP will not be subject to any adverse employment action as a result of utilizing the EAP, nor will EAP records or utilization information be ~~made part of the City's personnel records provided to the City.~~

Self-referral to the EAP does not excuse an employee from disciplinary measures associated with poor performance, such as violations of policies, procedures, or safety rules.

If employees refer themselves and have an appointment with the EAP during working hours, they must take leave as defined in the Policy on Leave (PPP# 120-00). If employees utilize Sick Leave for this purpose, they may be asked to provide documentation as defined in the Procedure on Sick Leave (PPP# 120-0030).

Supervisory Referral

~~Supervisors are responsible for detecting and attempting to correct unsatisfactory job performance.~~ A supervisory referral to the EAP may be used when chronic employee problems show no consistent improvement, particularly when other supervisory attempts have failed.

When supervisors are considering formally referring an employee ~~formally~~ to the EAP, they must contact the Human Resources Director or designee and then contact the EAP staff in advance to inform them of the specific performance problem. With this formal referral, supervisors will receive information regarding the date, time, and duration of the appointment only.

~~The EAP is an additional resource for supervisors to assist employees and improve job performance and not designed to replace any normal supervisory or disciplinary procedure.~~

Employees who have been referred by ~~their supervisor~~ the City to the EAP will be placed in an Administrative Leave category on Official Leave (PPP# 120-80) for their initial visit. After the initial visit, an employee's own leave must be taken for any appointments made by the employee with the EAP during working hours, as defined in the Policy on Leave (PPP# 120-00).

PPP # 130-00 Policy on Retirement

PURPOSE

The purpose of this Policy is to describe the various pension options in which employees participate.

PRINCIPLES

The Retirement Program for regular eligible employees is sponsored by the City of Rockville and is governed by the terms of the pension plan document. ~~consists of Social Security (FICA) and a pension plan financed by both employee and employer contributions.~~ In addition ~~to the above plans~~, employees may contribute unilaterally to a deferred compensation (Section 457) plan and/or a Roth 457 plan (if available), offered by the City.

PPP # 130-10 Procedure on Retirement—Regular Employees

PURPOSE

This Procedure implements the Policy on Retirement (PPP# 130-00) governing regular full-time and part-time administrative, union, and police employees.

GENERAL RULES

Effective Date

Employees may retire on any date after meeting eligibility requirements; however, payments will begin only on the first of any month after meeting all eligibility criteria as outlined in the pension plan document, specifically those relating to age and minimum lengths of service for the plan in which they participate.

Employees should consult the Human Resources Department for information specifically relating to their plan.

Eligibility

To be eligible to participate in a retirement option, an employee must be in a regular full-time or regular part-time position and be eligible for benefits.

~~Administrative employees hired before April 15, 1986 are covered by the Defined Benefit Plan unless they elected to transfer to the Thrift Plan. Administrative employees hired on or after April 15, 1986, are members of the Thrift Plan.~~

~~Union employees hired before December 2, 1986, are members of the Defined Benefit Plan unless they elected to transfer to the Thrift Plan. Union employees hired on or after December 2, 1986 are members of the Thrift Plan.~~

~~Sworn police employees are members of the Defined Benefit Plan for Police employees regardless of their date of hire.~~

Contract employees are eligible for retirement plan benefits in accordance with the terms and conditions of their contract.

Temporary ~~and seasonal employees~~ employees are not eligible to participate in the City's pension plan options.

Plan Types and Contributions

The City of Rockville Pension Plan for regular employees consists of two different plans.

Defined Benefit (Pension) Plan

All regular administrative, ~~and~~ union, and sworn police employees participate in this plan and may contribute a fixed pre-tax amount via payroll deduction.

~~The police employees participate in the Defined Benefit Plan for all sworn police employees and receive benefits outlined for police employees. All new sworn police officers are placed in the Defined Benefit Plan and contribute a pre-tax amount toward their retirement plan.~~ The City also contributes to this plan. The City's contribution amount is actuarially determined each plan year by an independent actuarial firm. There is a 10-year vesting period.

Defined Contribution (Thrift) Plan

Certain regular administrative and union employees participate in this plan and make an irrevocable election

to contribute a percentage (1-5%) of their salary, on a pre-tax basis. They elect where to invest their contributions within the funds offered by the plan.

The City makes a \$0.50 match for each dollar the employee contributes under the defined contribution portion of the plan. Employees become entitled to these City contributions ~~based on years of credited service. In addition, the City fully funds the defined benefit portion of this plan.~~ upon employment separation, if they meet the three (3) year vesting period.

Participation

Participation in the City's pension plan is mandatory for all regular administrative, union, and police employees. ~~Participation in Social Security (FICA) and Medicare is required by law for all regular administrative, union, police, contract, and temporary employees.~~

Benefits

The benefits for regular full-time and part-time administrative, union, and police employees are outlined in the City of Rockville Pension Plan which is governed by the Retirement Board.

Benefits are available at termination and retirement. Retirement eligibility and the amount of the benefit varies based on the plan to which an employee belongs ~~the reason for leaving,~~ and the provisions of the official plan document governing these plans at the time the employee retires.

Benefits and terms of the plans are provided and amended only with the approval of the Retirement Board and the final approval of the Mayor and Council of the City of Rockville.

Retirement Board

The Retirement Board exists for the purpose of generally directing the affairs of the City's retirement system, reviewing the plan's structure and investment policy, etc. The members are appointed by the Mayor with the confirmation of the Council. The membership is composed of a member of the Mayor and Council, the City Manager, three City employees below assistant ~~Department Director~~ Department Head level, and two persons with previous business experience, one of whom will serve as Chair. ~~Terms are for two years. The Finance Director is the executive secretary to the Board.~~

Deferred Compensation and Roth 457 Plans

The City of Rockville offers regular full-time ~~and regular,~~ part-time ~~and seasonal (limited benefit)~~ employees the option to participate in a deferred compensation (Section 457) and/or Roth 457 supplemental pension plan.

Participation ~~in this plan~~ is completely voluntary. ~~Pre-tax c~~Contributions are made in accordance with the Internal Revenue Code provisions governing these types of plans.

Benefit Review

The Human Resources Department will provide information to any inquiring individual about the benefits to which they will be entitled at retirement and the terms and conditions of the pension plan. Periodically, the Human Resources Department will sponsor training for interested employees regarding eligibility for and benefits of the pension retirement plans. All new employees receive an overview of their plan during their employee orientation.

Benefit Estimates

Employees who are considering retirement may obtain a personalized estimate of their City pension benefits by ~~completing a request form available in the Human Resources Department~~ contacting the retirement plan administrator. This benefit estimate will be prepared outlining the benefit amounts to which employees may be entitled under the different retirement payment options available to them.

~~Employees may request only one benefit estimate during a 12-month period.~~ Employees will be asked to provide an estimated retirement date and, for optional payment methods, a spouse's or other beneficiary's birth date. Other plan options depend on the pension plan in which an employee participates.

Retirement Notice

To avoid delay in the payment of retirement benefits, retiring employees should contact the retirement plan administrator at least 60 days in advance of their anticipated retirement date so that a pension estimate and required notices can be prepared and sent to the employee for completion. Employees should return the completed paperwork and any required documentation directly to the retirement plan administrator.
~~Employees may be required to provide a certified copy of their birth certificate as well as their beneficiary's birth certificate and marriage license, if applicable, if contingent benefits are to be provided. This documentation is required to certify age, which is the basis for determining some benefit payments.~~

Once the decision to retire has been made, an employee should provide notice to their immediate supervisor and the Human Resources Department according to the timing stated in PPP#80-40. Employees may contact Human Resources to discuss the process leading up to and including an exit meeting that will occur prior to the employee's departure from the City.
~~To avoid delay in the payment of retirement benefits, retiring employees should give written notice to their immediate supervisor and the Human Resources Department at least 60 days in advance of their anticipated retirement date. Once notice is received, the Human Resources Department will schedule a meeting with the retiring employee (and beneficiary, if appropriate) to discuss retirement and other benefit options.~~

Sick Leave Conversion

Employees hired prior to July 1, 2015 elected how to receive compensation with respect to unused sick leave upon ~~termination~~ separation from service ~~of employment~~ if they satisfy the criteria for "early retirement" or "normal retirement" (as defined by the City's Pension Plan).
~~at the time of termination.~~ Such employees elected to receive a cash payment or "credited service" under the Pension Plan. An employee who elected a cash payment will receive a payment equal to one-quarter of the number of days of unused sick leave multiplied by the employee's hourly rate of pay when they separate from the City. The cash payment will be made promptly upon separation from the City (regardless of when pension benefits begin) and will be subject to tax withholdings. An employee who elected "credited service" will receive full credit for unused sick leave up to one year as described in the Pension Plan. If the employee did not make an election, the employee will receive "credited service", not cash. Employees hired on or after July 1, 2015 will receive "credited service" for unused sick leave, as described in the pension plan document.
~~Employees may be eligible to convert their accrued, unused Sick Leave at retirement to cash. If a cash payment is elected, employees will receive a payment of one day for every four days of accrued, unused Sick Leave at the time of retirement.~~

Benefit Elections and Documentation

At retirement, employees ~~will complete an election form indicating~~ may have options to elect the method of pension benefit payment. ~~they request along with a federal tax withholding form for pension payments.~~ In addition, employees may ~~have options to~~ elect direct deposit, medical insurance continuance up to age 65, life insurance conversion, and other benefits. ~~Employees may request that state taxes be withheld by writing a memorandum stating the dollar amount to be withheld.~~

These options will be provided to the employee during the retirement exit process. It is recommended that employees consult with a competent financial and/or tax advisor to determine the best method of retirement payments and for tax advice. The Human Resources Department and/or retirement plan administrator will explain all options but cannot advise employees as to the best retirement option.

~~At retirement, employees must provide a certified copy of their birth certificate as well as their beneficiary's birth certificate if contingent benefits are to be provided. This is required to certify age, which is the basis for determining some benefit payments.~~

Retirement Plan Statements

~~At least o~~Once each year, active administrative, union, and police employees will receive a statement of their contributions and an estimate of the amount pension benefit to which they will be entitled ~~at early, normal, and/or late retirement. If less than age 62, employees will receive an estimate of their benefit at age 62 in~~

~~lieu of a late retirement benefit. This annual statement outlines the defined benefit. This amount represents the total retirement benefit for all employees except those in the Thrift Plan.~~

~~Participants in the Thrift Plan will receive this annual statement indicating only the City paid defined benefit portion of their retirement benefit. They will also receive quarterly statements indicating the amounts of their defined contributions, the City's matching contributions, designated investment directions and investment performance. The quarterly statements will also indicate the amount of City contributions to which an employee is entitled at a given time.~~

~~Employees in the Thrift Plan should combine both the annual and quarterly statements to understand the full amount of their retirement benefit.~~

Social Security Benefits

~~Because the rules for Social Security benefits are complex, it is recommended that employees discuss their plans with a Social Security representative in the year before the year they plan to retire.~~

Deferred Compensation Plans

~~Individuals participating in a deferred compensation program should contact the sponsor of the program retirement plan administrator for information about benefit entitlements and options. The Human Resources Department keeps forms and information available for these programs.~~

PPP # 140-00 Policy on Tuition Reimbursement

PURPOSE

The purpose of this Policy is to establish guidelines under which financial assistance may be provided to regular employees who successfully complete pre-approved courses.

PRINCIPLES

The City will provide financial reimbursement to eligible employees who successfully complete courses of instruction from approved external education sources, utilizing their own time and funds, when such training contributes to the employee's job proficiency and/or benefits the overall operating efficiency of the City of Rockville.

PPP # 140-10 Procedure on Tuition Reimbursement

PURPOSE

This Procedure implements the Policy on Tuition Reimbursement (PPP# 140-00).

GENERAL RULES

Eligibility

This Policy applies to all regular full-time and regular part-time employees working a minimum of 20 hours per week who have successfully completed their initial probation ~~first six months of employment with the City~~ and who are not in a disciplinary probation status at the time of reimbursement application. Contract employees are eligible to participate on an exception basis with approval of the Human Resources Director.

~~This Policy also applies to police officer candidates when attending an entrance level Police Academy program or the Maryland State Comparative Compliance training even if such training is held during working hours or during the employee's first six months of employment.~~

Course Scheduling

Courses must be taken outside of working hours. Employees may take courses during working hours only with written approval of the Human Resources Director ~~and their Department Director, Department Head, and the City Manager.~~ In such cases, a revised work schedule must be established to ensure that the employee's full work load is accomplished without incurring overtime.

Approved Institutions/Courses

The City provides partial reimbursement for tuition and registration fees for an individual course or for an undergraduate or graduate degree, certificate, or diploma program taken at an accredited institution, or for courses sponsored by recognized public, professional, or commercial organizations. When necessary, reimbursement may be made to obtain or retain professional competence or certifications that are required for that employee's job and/or professional development.

Excluded from consideration are fees for seminars and conferences. See the Policy and Procedure on Professional Development (PPP# 150-00 and 150-10) for payment of such expenses.

Reimbursement will be considered for any course which leads to the attainment of an approved graduate or undergraduate job-related degree, including elective credits. Wherever possible, elective courses should be chosen which are most appropriate to the current or projected job responsibilities.

For this policy, job-related is to be considered any undergraduate or graduate degree that is used in City employment. ~~Courses taken toward achievement of high school equivalency may also be considered.~~ Courses for technical or non-traditional scholastic training may be reimbursed provided that prior written approval has been obtained from the Human Resources Director. Additional undergraduate and graduate courses of instruction not leading to a degree but relating to specific areas of current job performance may be permitted subject to justification and approval by the employee's supervisor, ~~Department Director,~~ and the Human Resources Director.

Courses taken or fees paid to gain credit for past experience or training will not be covered under this policy.

Formal degree or diploma programs should be directly related to the employee's current field of work or should give the employee a reasonable opportunity for placement within Rockville City government. A determination of whether the course work is related or required as part of the job will be made by the Charter Appointed Official or ~~Department Director, Department Head~~ and the Human Resources Director. ~~All courses and programs are subject to investigation and approval by the Human Resources Director and/or City Manager.~~

In no case is approval of a course or certificate, or degree program to be construed as an actual or implicit guarantee to the employee of a promotion and/or position specifically using such training.

Requests for approval of tuition reimbursement must always be made on the City's Tuition Reimbursement Form prior to enrollment in a course of study. Courses should result in academic grade and course credit, unless otherwise approved. Audited or review courses will not be approved nor will fees for entrance exams, competency exams. ~~Certification for an entrance level Police Academy and the Maryland State Comparative Compliance Program will be covered when authorized in writing by the Chief of Police, Human Resources Director, and City Manager.~~

In no instance will initial approval of a degree or diploma program guarantee continued approval of such degree or diploma program. Continued approval and reimbursement amounts will always be contingent upon budgetary constraints and serving the best interest of the City.

Reimbursements

Reimbursement may be made for direct tuition and registration costs not to include books, materials, equipment, transportation, lab, or other fees. Reimbursement will not apply for tuition costs subsidized by any other source such as fellowships, scholarships, military, or other benefits programs. Employees may apply for partial reimbursements if subsidies have been received by these or similar sources. However, in no instance will the City's tuition reimbursement payment plus any subsidy equal more than 100 percent of

the cost of the course tuition and registration.

If the employee completes the course and receives a grade of "A" or "B", reimbursement will be made at 100 percent. For a grade of "C", reimbursement will be made at 50 percent ~~(except for graduate courses)~~. No reimbursement will be made for a grade of "D" or below or for course withdrawals and/or course incompletes. ~~For graduate-level courses, reimbursements will be made at 100 percent for a grade of "B" or better.~~

~~No reimbursement will be made for graduate courses resulting in a grade of "C" or less.~~ Reimbursement will be made as approved in advance for courses which do not result in a letter grade provided that evidence of satisfactory completion is provided.

Part-time employees receive a pro-rated reimbursement. The actual amount reimbursed to eligible part-time employees will be pro-rated based on the number of hours the part-time employee is regularly budgeted to work.

In no event will any employee be entitled to tuition reimbursement benefits exceeding ~~\$3,000~~ \$3,000 ~~the amount established by the Human Resources Department during each~~ a fiscal year. Employees are fully responsible for the tax consequences of any reimbursement in accordance with applicable laws.

Reimbursement will be made only for approved courses after the employee has completed the training and furnished proof of its cost, payment, and successful completion.

Any money that the City pays for tuition reimbursement or training must be re-paid by the employee if the employee leaves the employment of the City within one year of receipt of such reimbursement.

Funding for the entrance-level Police Academy and the Maryland State Comparative Compliance Program will be maintained by the Police Department. These expenses may be paid by the City rather than the employee. In such cases, employees will be responsible for repayment to the City for the full amount of the training should they leave prior to completion or within 12 months after completion of the training. Police employees leaving between 12 months and 24 months of completion of the Academy will be responsible for a pro-rated amount of the total cost of training.

~~Budgeting~~

~~The Human Resources Director or designee is responsible for budgeting tuition reimbursement funds and managing the Tuition Reimbursement Program for the City of Rockville. However, funding for the Entrance-Level Police Academy and the Maryland State Comparative Compliance Training is budgeted for by the Police Department.~~

~~Process for Reimbursement~~

~~1. Completing the Tuition Reimbursement Form:~~

~~An eligible employee interested in participating in the Tuition Reimbursement Program must complete and have approved the Tuition Reimbursement Form prior to enrolling in the course. This form is available from the Human Resources Department.~~

~~Employees must complete the form, attach a short course description and the fee schedule for tuition and registration, and forward it to their immediate supervisor. Employees applying for initial program or course approval must also attach a description of the institution indicating that it is accredited.~~

~~Employees sign the Tuition Reimbursement Form acknowledging that they understand and agree to repay to the City the reimbursement or cost of the training if they leave City employment through voluntary or involuntary termination within one year (12 months) of receiving reimbursement.~~

~~2. Approval or Disapproval:~~

~~The immediate supervisor signs on the supervisor's signature line and indicates approval or disapproval of the~~

~~requested course/program in accordance with the Tuition Reimbursement PPP# 140-00. If desired, the supervisor may comment by attaching a memorandum.~~

~~The immediate supervisor then forwards the Tuition Reimbursement Form through appropriate levels to the Appointed Official or Department Director.~~

~~The Appointed Official or Department Director signs the form indicating approval or disapproval and may comment, if desired, by attaching a memorandum. The form is then forwarded to the Human Resources Director.~~

~~The Human Resources Director or designee will review the application to ensure compliance with the policy and governing procedures, verifying the information in the application and the qualifications of the educational institution or the sponsoring organization. The Human Resources Director then signs the form indicating either approval or disapproval of the request.~~

~~Initial program or course requests are forwarded to the Appointed Official City Manager or designee, who will sign and return the Tuition Reimbursement Form to the Human Resources Department, indicating approval or disapproval.~~

~~If the application is approved, the Human Resources Department will return the employee's copy to the employee and the department copy to the Department Director. The Human Resources Department will hold the Human Resources copy in the pending Request for Tuition Reimbursement folder. Employees should retain their approved application copy until such time as they complete or discontinue the course or training.~~

~~If the application is disapproved, the employee's and department's copies will be returned to the Appointed Official or Department Director indicating the reason(s) for this action. The Appointed Official or Department Director in turn will forward the rejected application to the employee concerned, through the employee's immediate supervisor, with appropriate explanation.~~

~~At any time during this process should anyone disapprove of the tuition reimbursement, the processing will stop at that level of disapproval and copies of the form and reason for disapproval shall be returned to all previous levels of the routing process.~~

~~Approved degree or diploma programs should be reviewed annually by the employee's immediate supervisor to determine progress in meeting objectives. In no case is approval of a degree program to be construed as an actual or implicit guarantee to the employee of a promotion and/or position specifically utilizing such training upon completion of the program or course.~~

3.1. Requesting Reimbursement:

After completion of the course, the employee will submit a copy of the grade(s) and original receipt of cost, along with verification of payment, to the Human Resources Department. These should be attached to the employee's copy of the approved Tuition Reimbursement Form. For the approved tuition to remain valid, requests for reimbursement must be made as soon as possible after receipt of all required documentation but no later than six weeks following course completion.

The employee must sign the reimbursement request section of the form. If the employee does not complete a course, the employee must notify the Human Resources Department in writing that reimbursement is no longer requested.

~~Once all required materials are submitted for reimbursement, the Human Resources Department will calculate the amount due an employee and complete a Request for Check Disbursement (RCD). After receipt of this information, the Finance Department will prepare a check for the employee.~~

~~Once the reimbursement is prepared, the Human Resources Department will ensure that the employee receives the reimbursement check. The Human Resources Department will keep copies of the approved RCD, Tuition Reimbursement Form, and appropriate receipts in the Approved Tuition Reimbursement folder by fiscal year and in the employee's file.~~

PPP # 150-00 Policy on Professional Development

PURPOSE

The purpose of this Policy is to establish guidelines under which individual employees may be encouraged to advance their knowledge within their field of work by attending conference, seminars, courses and training not covered under the Tuition Reimbursement Policy (PPP# 140-00).

SCOPE

This Policy applies to all regular full-time and regular part-time employees working a minimum of 20 hours per week who are not in a disciplinary probation status at the time of reimbursement application. ~~Contract employees are eligible to participate with concurrence of the Human Resources Director and approval of the Appointed Official City Manager.~~

PRINCIPLES

Each City department's budget contains money set aside to defray some or all of the cost of courses, seminars, etc.

Professional development funds can be used to cover registration and other costs involved in attending seminars, conventions, etc., provided that:

- course content relates to the employee's current City occupation;
- the department has professional development funds to cover costs;
- expenditures have been approved in advance in accordance with this Policy; and
- expenses are not covered under the Tuition Reimbursement Policy (PPP# 140-00).

PPP # 150-10 Procedure on Professional Development

PURPOSE

This Procedure implements the Policy on Professional Development (PPP# 150-00).

GENERAL RULES

Definitions

Professional development includes conferences, seminars, conventions, courses, and training related to the employee's position and not covered under the Tuition Reimbursement Policy (PPP# 140-00). Included are programs sponsored by professional groups and associations.

Responsibilities

~~Appointed Officials Charter -Appointed Officials, Department Director-Department Heads~~ or designees are responsible for budgeting for the cost of professional development which is not covered by the City's Tuition Reimbursement Policy (PPP# 140-00) for employees in their department.

Professional journals and similar subscriptions should be budgeted separately in each department's allocation for dues and subscriptions. Whenever possible, ~~Appointed Officials Charter -Appointed Officials and- Department Director- Department Heads~~ should not duplicate subscriptions to journals, newsletters, etc. Rather, each department or division should keep these resources available for the use of all City staff.

Leave Use

~~Employees may be granted official leave to attend such training when offered during scheduled work shifts provided that such absence will not cause an undue hardship to the operation. Time used for such training offered outside of normal work hours shall not be compensable nor shall it be required of employees.~~

Conditions

~~Department Directors will be permitted to attend one major conference or seminar out of the area per year. In addition, they are free to attend the state meeting of their association and to attend seminars and training sessions that are provided in this metropolitan area so long as there are funds for professional development in their department's budget. Employees other than Department Directors may attend the state meeting of their professional organization and any conferences or training sessions offered in the metropolitan area, as long as they are properly approved and funds are available. Any exceptions to this policy will require written approval from the Human Resources Director and City Manager.~~

Application and Approval

Approval for attendance at professional development training must be obtained from the respective ~~Department Director~~ Department Head or Charter Appointed Official. In the case of ~~Department Director~~ Department Heads, approval must also be obtained from the City Manager. Any exception to this policy requires the written approval of the Human Resources Director and the City Manager.

Memorandum

~~Employees interested in participating in seminars or other forms of professional development should prepare a memorandum to their immediate supervisor. The memorandum should explain the applicability of the professional development to their job and should request official leave (if during work hours) for the time they attend and payment for the cost of the program. The cost of the program should be fully outlined in the memorandum. An original copy of the program and all related material should be attached to the memorandum.~~

~~The memorandum should have an approval line for the Department Director (or the City Manager in the case of the Department Director). The immediate supervisor is responsible for ensuring that all signatures are obtained prior to enrollment.~~

~~In certain circumstances, the supervisor may direct the employee to attend professional development. In this case, the supervisor will be responsible for preparing the memorandum and registering the employee.~~

~~After approval by the Department Director, a copy of the memorandum will be returned to the employee indicating authorization to register.~~

~~Once the memorandum is approved, the employee may register for the course. Enrollment should be handled directly by the department or the individual requesting the course. Failure to obtain the required approval in advance of the program will result in the employee being responsible for the full cost of the program and will result in the employee being charged leave without pay for the period of absence.~~

Payment

The City may pay full reimbursement for professional development training, provided the course content relates to the employee's current ~~City class~~ City position and that the employee's department has professional development funds available for such training prior to registration.

~~If the cost of the program is billed to the City, the department representative should prepare a Request for Check Disbursement (RCD) requesting that a check be forwarded to the appropriate organization. Reimbursement for approved expenses paid directly by the employee should be requested on the City's Expense Reimbursement Form and submitted to the Director of Finance. Travel and related expenses should be handled in accordance with the Department of Finance's policies.~~

Certificates of Completion/Achievement

Copies of certificates received for professional development should be forwarded to the Human Resources

Department for inclusion in the employee's personnel file along with any other form of recognition.

PPP # 160-00 Policy on Grievances

PURPOSE

To establish a Policy which will ensure that all regular non-probationary City employees receive fair and uniform consideration of any properly grievable matter.

PRINCIPLES

In general, a properly grievable matter is one arising from a disciplinary action or improper implementation of the policies, procedures, or regulations, ~~or operating orders~~. Other properly grievable matters include, but are not limited to, the existence of hazardous or unhealthy working conditions, or the improper conduct during work hours of fellow employees which poses a threat to health or well-being of others. This list, while not exhaustive, will serve as a guide in defining possible causes of complaint.

Matters which concern the establishment or alteration of City policy or procedure, performance appraisals, compensation, or other management rights are not grievable.

The City will not retaliate against any employee who files a grievance in good faith.

Employees represented by AFSCME Council 67 Local 1453 shall grieve issues as defined by their collective bargaining agreement.

Employees who are sworn police officers will follow the department's general orders concerning grievances.

PPP # 160-10 Procedure on Grievances

PURPOSE

This Procedure implements the Policy on Grievances (PPP# 160-00).

GENERAL RULES

Continuity of City Functions

Grievances shall be submitted and resolved promptly and equitably in accordance with the Policy and Procedure on Grievances (PPP# 160-00 & 160-10). However, the grievance process may not be used to cause the interruption of the performance of the functions of the City.

Representation

Any employee or group of employees presenting a grievance has the right to select a representative of their own choice.

At any step in the grievance process, the selected representative, at the request of the employee or group of employees, may present the employee's grievance or represent the employee or group of employees.

Presentation and Communication

Initially, a grievance may be presented by an employee, by a group of employees, or by a selected representative, ~~either orally or in writing. Side one of the City's form titled Employee Petition of Grievance shall be used to present the grievance in writing at Step 1 of the grievance procedure as indicated below.~~

~~All grievances which are appealed shall be submitted by preparing side two of City form titled Employee Petition of Grievance Appeal. Each grievance appeal submitted shall have attached to it the originally submitted grievance and subsequent reply, and all succeeding appeals and replies. Grievances involving discrimination may be brought directly to the Human Resources Director for review.~~

Time Limit for Presenting Grievances

No grievance will be considered unless presented within ten (10) calendar days of the date on which the employee reasonably could have been expected to know of the events or conditions which provide the basis for the grievance. In no case shall a grievance be considered after this ten (10) calendar day period.

Grievance Terminated Unless Appealed

At the conclusion of any step in the grievance procedure, the grievance shall be considered as finally and satisfactorily resolved by management unless it is appealed to the next higher step within the time limits specified.

Number of Persons Attending Grievance Meetings

In the presentation of grievances (except with the prior permission of the person or group designated to hear the grievance), not more than three employees, including the selected employee representative, may be excused from work with pay to attend a grievance meeting. Within these limitations and upon proper notification to their immediate supervisors, employees will be excused for attendance at such grievance meetings.

Recording of Grievance Meetings

~~Notes setting forth the grievance and the action taken shall be written in duplicate at each step of the process by the persons or by the group hearing the grievance as indicated under "Grievance Process" below; this may be done on the appropriate section of the Grievance Form.~~ Whenever the grievance is appealed to the next higher step, the aggrieved employee shall be given a written determination providing the basis for the outcome; including a list of attendees at the grievance meeting. ~~the duplicate copy of such records and the original shall become a part of the official Personnel record.~~

Grievance Process

It is encouraged that all grievances first be settled ~~orally and~~ informally through discussions between the immediate supervisor and the employee(s). However, any timely grievance, which an employee has not been able to adjust/resolve informally with the immediate supervisor may be made the subject of a formal grievance, and shall be settled in the following manner:

Step 1: The aggrieved employee shall present the grievance, in writing, ~~using the Employee Petition of Grievance Form,~~ to the employee's immediate supervisor within ten (10) calendar work days after the events or conditions giving rise to the grievance occurred or within ten (10) calendar work days after the date on which the aggrieved employee reasonably could have known of the event which gave rise to the grievance, whichever is later. The employee shall meet on such grievance with the immediate supervisor and the next level supervisor as designated by the City, within ten (10) calendar work days after presentation thereof. ~~The City will provide~~ Aa written determination answer to said grievance shall be furnished by the City to the employee or employees involved within ten (10) calendar work days after ~~said the~~ meeting. If the employees ~~serve written notice that said written answer is not satisfactory/satisfied with the determination to them,~~ or if ~~said written answer~~ the determination is not furnished/provided within ten (10) calendar work days, the grievance may proceed to Step 2. ~~If an employee's~~ For grievances involving dismissal ~~and the employee so desires, Step 1 of the Grievance Process may be waived and~~ the grievance initiated ~~may be initiated~~ at Step 2. In cases involving dismissal, the ~~Department Director~~ Department Head shall hear the Step 1 grievance.

Step 2: If the grievance has not been satisfactorily resolved at Step 1, no later than seven (7) calendar work days after the written answer is furnished in Step 1, the grievance shall be ~~presented/submitted~~ by the employee, in writing to their Department Head or Charter Appointed Official, ~~using the Grievance Form. This form shall be submitted to the Department Director or designee.~~ The employee or employees involved shall meet with the ~~Department Director~~ Department Head or Charter Appointed Official and the appropriate immediate and next level supervisors within seven (7) calendar work days from the date upon which the grievance is ~~presented to~~ submitted to the Department Director Department Head, Charter Appointed Official, or their designee. A decision will be made by the ~~Department Director~~ Department Head or designee and communicated to the employees and any representative in writing, within seven (7) calendar work days after the meeting. If the meeting cannot be arranged within said seven (7) calendar work-day period, the ~~Department Director~~ Department Head or a designee shall, nevertheless, communicate the decision upon said grievance to the employee and any representative within ten (10) calendar days after the grievance is

first presented to the

~~Department Director~~ Department Head or a designee at Step 2. In cases involving dismissal, the City Manager shall hear the Step 2 grievance.

The Step 2 decision shall be the final administrative level for hearing all grievances except those involving disciplinary dismissal. In grievances involving disciplinary dismissal actions, employees may appeal such actions to the Personnel Appeals Board.

Copies of all grievances and all responses shall be furnished to the Human Resources Director, ~~at each and every step of the process.~~

Personnel Appeals Board

1. Procedure for appeal to Personnel Appeals Board:

a. Any regular employees ~~of the classified Civil Service merit system~~ who have been the subject of a disciplinary dismissal action may avail themselves of the grievance procedure as set forth above. If employees are not satisfied with the action taken by the City Manager in the last step of the grievance process, they may, within seven (7) calendar days of such action, file a written notice of appeal to the Personnel Appeals Board. The notice of appeal shall be filed with the City Clerk/Director of Council Operations.

b. The notice of appeal shall contain particulars details as to the nature of the grievance and the remedy requested, and may not raise any issue not previously raised before the City Manager during the grievance process.

2. Hearing of appeal by Personnel Appeals Board:

a. The Personnel Appeals Board shall schedule a hearing as soon as practicable, but no longer than thirty-five (35) days after the filing of the notice of appeal, unless a later date is required due to the unavailability of a member of the Personnel Appeals Board.

b. The procedure of the hearings shall be closed to the public unless requested to be open by the employee filing the appeal and consented to by all employees involved. The employee shall be entitled to counsel, and may present witnesses or other evidence ~~on the employee's own behalf~~. The employee, ~~insofar as administratively possible,~~ may request the presence of City employees (up to a maximum of three) as witnesses. Such employees shall be considered in a duty status during the time they serve as witnesses. All testimony shall be under oath or affirmation given by a person duly authorized to administer oaths within this State, and a verbatim transcript of the hearing shall be taken. The City Attorney shall act on behalf of the City ~~Manager~~. The right of cross-examination of all witnesses shall be available.

c. At any time prior to the decision of the Personnel Appeals Board, the grievant and the City may reach a binding settlement of the grievance.

3. Decision and opinion by Personnel Appeals Board:

a. Within fifteen (15) calendar days following the required hearing, the Personnel Appeals Board shall render a written decision in which findings of fact are made with respect to the action taken. The Board shall have the power to approve, rescind, or modify the dismissal action, and shall file the decision with the City Clerk/Director of Council Operations.

PPP # 170-00 Policy on Military Furlough

PURPOSE

The purpose of this Policy is to establish rules of employment for regular employees who are called to duty on active military service during a National Emergency or under Presidential Authority.

PRINCIPLES

A Military Furlough Leave is the placement of regular employees in an inactive non-work status, with the retention of employee rights, while employees are called to duty on active military service during a National Emergency or under Presidential Authority. Employees are placed on Military Furlough when they enter active service in the Armed Forces of the United States, National Guard, or the Commissioned Corps of the Public Health Service pursuant to a National Emergency or under Presidential Authority.

Employees on Military Furlough have re-employment rights under conditions specified in the Procedure on Military Furlough (PPP#170-10).

Military Furlough is separate and distinct from Military Leave (see PPP# 120-00).

PPP # 170-10 Procedure on Military Furlough

PURPOSE

This Procedure implements the Policy on Military Furlough (PPP# 170-00).

GENERAL RULES

Pay, Benefits and Employment Status

Regular employees on military furlough and in an inactive non-work status may continue to receive pay and benefits as though they were in an active working status. Employees in the Federal Services and Maryland National Guard may receive the difference between their military pay and base City pay up to a maximum of their base City pay. These employees must submit their pay statements to the City on at least a monthly basis and the City will pay the difference to the base pay for that same time frame.

Process for Taking Military Furlough

Employees notify their supervisors as soon as possible prior to the date they are scheduled to leave for military service. The supervisors notify their ~~Department Director~~ Department Heads and the Human Resources Director ~~by way of memorandum with~~ a copy of the military order.

Re-Employment Rights on Return from Furlough

In accordance with Federal and State Law, on return from Military Furlough employees are entitled to reinstatement ~~after military service~~ to the position which they left or to one of like status, pay, and seniority, provided the following requirements are met:

- a. the employee gave written or verbal notice to the department prior to leaving for military service, unless the employee was not able to give prior notice because of military necessity;
- b. the employee's position was not a temporary job or a job expected to last for a brief period, but instead was expected to continue for a significant period of time;
- c. the employee applied promptly for reinstatement after completion of the military service;
- d. the employee provides documentation to the department of the length and character of the military service on return from military service of 30 days or more;
- e. the employee was not discharged under dishonorable conditions; and
- f. the total of the employee's periods of active duty did not exceed 5 years over the employee's entire City employment (periods of active duty for training or during which the employee was ordered to active duty during war, emergency or in support of a critical mission are not included in the calculations of the 5-year period.)

An employee is entitled to the following on reinstatement:

1. the same job or the job that the employee would have had or attained if the employee had not left

for military service (if the employee is or can become qualified for that job) or, if the period of service exceeds 90 days, another job of the same status and same rate of pay;

2. accrued seniority, service increments and proficiency advancements, or noncompetitive promotions that the employee would have received if the employee had not left for military service;
3. protection against dismissal, except for cause, during the first 180 days of returning to work (or the first year of returning to work if the leave was for more than 180 days);
4. employment in a position of lesser status and pay, but with full seniority, if the person cannot become qualified to perform the previous job;
5. reasonable efforts to accommodate a temporary or permanent disability that occurred or was aggravated during the military service;
6. credit toward vesting under the employee's retirement plan for the period of military service; credited service for retirement if the employee makes up any required employee contributions; continuation of unused sick and annual leave;
7. the same increment date that the employee had before the employee's military leave; and continuation of group insurance coverage.

The period of time that the employee has to apply for reinstatement depends on how long the employee served in the military. If the employee became ill or was injured during military service, the reinstatement period may be extended to allow for treatment and recovery.

The above rights apply unless the City's circumstances have so changed as to make reinstatement impossible or unreasonable: for example, they could not be applied if a widespread reduction in force has occurred.

Regular employees who volunteer for Active Service will not be paid by the City and will be separated from service. They will be eligible for all benefits and reemployment as provided by the law.

Employees in the Maryland National Guard not called to Active Duty by order of the Governor or those in the US Reserves not called to Active Duty by Presidential Order during a national emergency are not eligible to receive pay during military furlough.

Process for Re-Employment

1. Upon release from active duty, employees must notify the Human Resources Director in writing of their status and establish a tentative date for their return to work (within the established time).
2. The Human Resources Director notifies employees of the status of their jobs and their re-employment possibilities.

Applicable Laws

All Military Furlough is subject to the provisions of the Uniformed Services Employment and Re-Employment Rights Act of 1994 with subsequent amendments, as well as applicable Maryland law. Any questions regarding details on Military Furlough should be referred to the Human Resources Director.

PPP # 180-00 Policy on Employees' Code of Conduct

PURPOSE

This Policy describes what is acceptable ~~behavior in the~~ conduct of all employees in the performance of their jobs and in conducting their personal business as it relates to their employment with the City.

Employees of the City are prohibited from using their employment in any way for personal gain and are

expected to conduct their personal business in full compliance with the law and with these guidelines. All employees are subject to the City's Public Ethics Ordinance, Chapter 16 of the Rockville City Code.

PRINCIPLES

Political Activities

~~Employees of the City are subject to the provisions of Sections 1501-1508, Title 5 of the U.S. Code (previously known as the Hatch Act with amendments). Prohibited political activities are listed below:~~

~~Political activities, which are prohibited for City employees, are also not to be conducted by anyone, whether employees or not, in any office or property under the jurisdiction of the City, including the public part of any City property. No equipment, materials or facilities owned or operated by the City may be used by anyone in the conduct of any of the prohibited activities. However, the public parts of a City property may be used for non-partisan meetings, at which civic matters may be questioned by those in attendance. Such meetings must be arranged and conducted by responsible non-partisan organizations and all bona fide candidates must be invited and given equal time and treatment, and prior approval in writing must be obtained from the City Manager. The request for such approval must be in writing, giving specific information as to the time and place of the proposed meeting, the method by which candidates will be invited, and the procedures and rules to be followed in the conduct of the meeting. The request must be signed by an authorized official of the organization with certification of such authority by the governing body of the organization.~~

~~No employees shall directly or indirectly use or seek to use their official positions, authority, or influence to control or modify the political action of any other person. Employees shall not engage in any form of political activity during duty hours.~~

~~Employees are also prohibited from using their positions or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or, directly or indirectly coercing, attempting to coerce, command, or advise other employees to lend or contribute anything of value to a party, organization, or person for political purposes; or, being a candidate for an elective partisan office with the City or County.~~

~~With respect to Rockville City elections, employees are not allowed to take part in any political movement nor actively support any candidate or group of candidates in any manner other than by casting a ballot.~~

~~Employees may express their personal opinions privately to others. However, they must remain objective, non-committal, and professional when others wish to discuss City politics with them.~~

~~Employees may not be required to contribute to a political campaign or pay dues to a political party.~~

~~Employees' job security is not dependent on which candidates are elected to office. Elected officials may not interfere with appointments, promotions, or discipline of any employees.~~

Persons violating these rules ~~will~~ may be subject to dismissal.

~~Relations with Contractors or Vendors~~

~~Gifts~~

~~Employees shall neither solicit nor accept gifts or any form of gratuity from anyone who has submitted a proposal to do business or who is doing business with the City, or who is engaged in activities controlled by the City where the solicitation or acceptance of such gifts or gratuity may form the basis for a conflict of interest.~~

~~Restrictions After Termination~~

~~For a period of one year after terminating employment from the City, former City employees shall not assist or represent a party other than the City for compensation in a case, contract, or other specific matter involving the City, if that matter is one in which the former employees personally and significantly participated as a City employee.~~

~~Disclosure of Information~~

~~Employees may not disclose, nor use for their economic benefit or that of any other person, confidential~~

~~information which is not available to the public, acquired by reason of their employment with the City.~~

Possession of Weapons

No employee shall use or have on their person or on City property any weapons or explosives at any time. Weapons may include but are not limited to: firearms, knives with blades greater than 3", martial arts weapons or accessories, etc. Violation of this policy ~~is~~ may be cause for immediate dismissal. The only exception to this rule are those weapons expressly allowed to be carried and used by public safety employees.

Exploitation of Citizens or Employees

No employees shall benefit financially from any citizen or group of citizens or employees due to their position in the City. Employees shall not seek to use their official positions or authority to sell or recommend goods or service to any citizen or employee as representatives for any company for such purpose.

~~Alcohol or Drug Possession and Use~~

~~Use or possession of alcoholic beverages (except at designated City sponsored group social events) or non-prescription drugs, or the illegal possession or use of drugs (prescription or non-prescription), being intoxicated, or under the influence of drugs while on duty and/or on City property is may be cause for suspension or dismissal of any employee. Although any employee may be terminated immediately for possession or use of drugs or alcohol, those persons working in safety sensitive and/or public contact positions will be terminated immediately, absent extenuating circumstances. (See Policy and Procedure on Drugs and Alcohol (PPP# 190-00 & 190-10).)~~

~~Absence Without Permission~~

~~Employees are subject to dismissal if they have been absent from duty for three consecutive days without permission from their immediate supervisor and/or without notifying the immediate supervisor of their absence and intention to return. Such employees are considered to have abandoned their jobs.~~

Conviction of a Criminal Offense

An employee who has been convicted of a criminal offense that is job related may be subject to dismissal from the City.

Conflict of Interest

Participation in City Business

Employees shall not participate and shall disqualify themselves from participating in any City business or project which involves, benefits, or has a direct financial impact on themselves, a spouse or domestic partner, parent, child, brother or sister, or a business entity of which they, or any of the family members, are a part.

However, employees may take advantage of City programs and projects available to members of the general public so long as such employees do not control or affect the decision on the program or project in question, as distinct from performing merely routine or clerical duties.

All employees planning to participate in any City program of substantial financial benefit must request written approval of the Human Resources Director disclosing all aspects of their involvement in the program.

Employees are required to report to the Human Resources Director if they are an official of a community organization or non-profit group which has applied for or is receiving funds from the City.

Personal Relationships in the Workplace

While members of the same family are eligible for employment with the City, City employees are prohibited from supervising any individual who is a member of their immediate or extended family. Examples of family members include spouse, child, sibling, parent, foster parent, grandparent, grandchild, cousin, aunt, uncle, niece, nephew, other blood relatives, parent-in-law and other in-laws, and step relatives, etc.

In the same vein, it would be inappropriate for City employees to supervise any other individual with whom there exists or develops a personal relationship where such a relationship could give rise to questions about the supervisor's ability to act impartially with regard to that employee. Examples of such personal relationships include, but are not limited to, fiancée, domestic partner, business associate or advisor, or anyone with whom a significant or close personal relationship, such as dating, exists.

Supervisors must notify their Charter Appointed Official, ~~Department Director~~ Department Head or the Human Resources Director of family and existing or developing personal relationships between himself/herself and a subordinate. A supervisor's failure to notify a Charter Appointed Official, ~~Department Director~~ Department Head or Human Resources Director of any such family or other personal relationships may result in disciplinary actions.

~~Department Director~~ Department Heads will discuss these issues with the City Manager as is appropriate and necessary to maintain a professional work environment. If it is determined that, as a result of the relationship, ~~that~~ a conflict or potential for conflict of interest exists or might be perceived to exist, the City may take appropriate corrective measures. Such measures may include the transfer of either the supervisor or the subordinate employee, at ~~in~~ the discretion of the ~~City Manager~~ Charter Appointed Official.

Secondary Employment

The effective operation of government requires public employees to be independent, impartial, and responsive to the community. A public position must never be used for personal gain if government is to maintain the trust between public employees and the citizens they serve. This policy on secondary employment recognizes the special responsibilities and obligations which employees must meet to guard that trust.

Employees may engage in outside employment or private financial activities, provided that such employment or activities do not conflict with regular employment with the City of Rockville ~~Government~~ or affect the employee's mental or physical ability to perform normal duties in an acceptable and impartial manner.

- ~~• Employees may not, either directly or indirectly, use their official position with the City of Rockville government, or information obtained in connection with their employment, for private gain.~~
- Employees may not become involved in outside business or financial activities which would constitute a conflict of interest or the appearance of a conflict of interest, or affect the impartial discharge of their duties.
- ~~• Employees may not solicit or accept gifts, favors, or anything of monetary value from a private source as compensation for the services performed as an employee of the City of Rockville government.~~

~~Some employees may wish to supplement their City income from secondary jobs.~~ A secondary employment form must be filled out for all secondary employment. It shall be filled out and approved by their ~~Department Director~~ Department Head before an employee begins a secondary job. All secondary employment within the City will be subject to special approval ~~review~~ by their respective Charter Appointed Official or ~~Department Director~~ Department Head and ~~approval of~~ the Human Resources Director to avoid even the appearance of a conflict of interest.

The following guidelines will be followed to ensure that a secondary job will not harm the interests of the employee or of the City:

~~1- Employees may work for employers who are not regulated by, hired by, or soliciting business with the City.~~

~~2- Employees may work for employers who are located outside of the City limits and who perform work only outside the City limits, which is not related to City business.~~

~~3-1.~~ Employees may work for employers within the City where a ~~Department Director~~ Department Head and Human Resources Director find that the secondary job represents no basis for a conflict of interest, nor the appearance of a conflict of interest.

4.2. Employees may accept a secondary position if the secondary job does not interfere with the

performance of their City duties and does not interfere with the employee's ability to respond to emergency situations for the City.

~~5.3.~~ Employees may not use City-owned tools, equipment, vehicles, or materials for any secondary job.

~~6.4.~~ Employees may not enter into a secondary employment in which they work for, or oversee their City supervisor or a City subordinate.

~~7.5.~~ Employees injured while working a secondary job must notify their City supervisor of the injury. However, it should be noted that City insurance (with the exception of employee health plans) and City employee disability leave benefits will not cover any injury or damage arising from a secondary job.

~~8.6.~~ Some employees (e.g., police) may be required to provide the City with proof of adequate insurance coverage by their secondary employer.

~~9.7.~~ Employees may not solicit or perform secondary employment during the hours designated for work for the City.

Ownership and Financial Interest in Real Property Within the City of Rockville

~~Employees shall not use knowledge of City programs or plans which are not available to the public to speculate or make a profit from any real estate transaction.~~

~~Disclosure of personal real property, other than a primary residence, shall be made to the Human Resources Director as follows:~~

~~1. Employees who own or contract for the purchase of any interest in real property within the City shall disclose such information within one week of acquiring such property (e.g., signing a contract of sale). "Interest in real property" means an interest held as sole owner or together with other persons or business entities, or an interest in a partnership or corporation which owns, develops, or manages real property in the City. Also, employees who have a financial interest in real property within the City, such as providing a loan or financial guarantee to any other person in connection with the purchase of real property, shall disclose such information.~~

~~2. All involuntary acquisition of real or leasehold property within the City by inheritance, gift, etc., shall be disclosed immediately in writing to the Human Resources Director.~~

~~3. Employees must notify the Human Resources Director immediately upon any change to their previously reported real property ownership or financial interest status, and keep such notice up to date.~~

~~**If, in the judgment of the Appointed Official City Manager, any matter disclosed as required above presents a situation where the employee's ownership of said properties or provision of financial guarantees may cause actual, possible, or apparent conflict of interest, the Appointed Official City Manager may notify the employee and provide an opportunity to be heard. After due consideration of all facts and circumstances, the Appointed Official City Manager may take appropriate action, which may include, but not be limited to, a request not to acquire or to divest oneself of property or any interest therein, disciplinary action, or a reasonable alternative to eliminate such conflict.**~~
Compliance with City of Rockville Laws

~~Employees shall not use their positions or influence in the City to avoid complying with any City laws or regulations, or to assist any other person in avoiding such compliance.~~

~~All employees must take whatever measures are required to ensure that any properties within the City which they own wholly or in part are used and maintained in strict compliance with the Housing, Building, Zoning, and any other Codes of the City of Rockville.~~

~~An inspector employed by the City shall not inspect property in the City in which the employee, a member of the employee's family, someone with whom the employee has a relationship with similar to that of a family member, has an interest. An inspector shall also not inspect property in the City in which the employee has a financial interest.~~

Information and Enforcement

Questions regarding these rules may be addressed to the Human Resources Director. All information requested to be disclosed shall be kept up to date on a continuing basis. Such information shall be incorporated into the employee's Personnel file and be kept confidential within the City to the extent provided by law. Failure of any employee to comply with these rules and regulations may result in the imposition of disciplinary action. Such action may include, but not be limited to, a verbal warning, a written warning, probation, suspension, or dismissal, depending upon the circumstances of the particular case and the employee's work record.

Discipline or Dismissal

Failure to adhere to the provisions stated in this Policy or any other City policy, procedure, rule, regulation, code or order is recognized as sufficient cause for disciplinary actions, including but not limited to, the issuance of a written reprimand, being placed on disciplinary probation, suspension, or dismissal of an employee. (See Procedure on Discipline and Dismissal (PPP# 75-10) and Procedure on Dismissal (PPP# 80-07).)

The type of discipline shall be dependent upon the frequency and/or severity of the employee's conduct. Nothing in this Policy shall prohibit the City from taking more severe forms of discipline for first offenses or imposing multiple forms of discipline.

Certain offenses may be subject to suspension and/or dismissal. These offenses include, but are not limited to:

- insubordination;
- unsatisfactory job performance;
- cause of personal injury, damage or property loss;
- violation of safety, fire prevention, security, or other rules, regulations, policies, procedures, codes, orders, etc.;
- false, fraudulent, misleading, or harmful statements, action, or omission relating to any City business;
- unauthorized use of, removal, theft, or damage to City property, an employee, or anyone or anything related to City business;
- threatened or actual physical violence;
- use of profane or abusive language;
- carrying any form of weapon while on City business or property;
- the use, possession, being under the influence, transfer, selling or attempting to sell alcohol, illegal drugs, or illegally used drugs on City business or property; or any other violations of PPP #190-00 Policy on Drugs and Alcohol;
- disorderly or immoral conduct on City business or property;
- accepting or engaging in outside employment without proper approval;
- any form of harassment of other individuals, citizens, or staff;
- abuse of leave; unexcused absence from work;
- refusal to work overtime;
- falsifying any records;
- ~~job-related~~ criminal conviction;
- sleeping on duty;
- failure to maintain required certifications; and
- any other misconduct.

This list serves to provide examples only and is not all-inclusive. The City reserves the right to suspend and/or dismiss an employee for any lawful reason.

PPP # 181-00 Policy on Workplace Violence

PURPOSE

The purpose of this Policy is to establish rules for maintaining a workplace free from violence.

PRINCIPLES

The City of Rockville is committed to maintaining a workplace free from violence for its employees, citizens,

visitors and guests. It is the City’s intent to take every reasonable step to promote a work environment that

is safe and secure at all times by encouraging a positive and respectful work environment that fosters employee productivity, safety and security.

The following words and phrases, as used in this Policy, are defined as follows:

1. **Disruptive behavior:** disturbs, interferes with, or prevents normal work functions or activities. Disruptive behavior includes yelling, using profanity, aggressively waving arms or fists in a threatening manner, or verbally abusing others; outbursts and instigating interpersonal conflicts between individuals; making inappropriate demands for time and attention; making unreasonable demands for action (demanding an immediate appointment or a response to a complaint on the spot); or refusing a reasonable request for identification.
2. **Threatening behavior:** includes physical actions short of actual contact/injury (e.g., moving closer aggressively); stalking/following another individual; general oral threats based on tone of voice or written threats to people or property (e.g. "you better watch your back" or "I'll get you") as well as implicit threats ("you'll be sorry" or "this isn't over.")
3. **Violent behavior:** includes any physical assault, with or without weapons; behavior that a reasonable person would interpret as violent (e.g., throwing things, pounding on a desk or door, or destroying property); and specific threats to inflict physical harm (e.g., a threat to shoot a named victim).

No employee of the City of Rockville shall engage in any disruptive, threatening or violent behavior while on City property or at any other location while performing duties on behalf of the City. Any violation of this provision shall be reported to the immediate supervisor and investigated by the City.

PPP # 181-10 Procedure on Workplace Violence

PURPOSE

This Procedure implements the Policy on Workplace Violence (PPP# 181-00).

GENERAL RULES

Overview

This Procedure outlines the responsibilities of managers and employees to report and document violent acts as defined in the Policy on Workplace Violence (PPP# 181-00). ~~In addition, the Procedure provides a format for reporting and investigating violent acts, as well as suggested forms of discipline and reporting, pursuant to City regulations and State/Federal laws.~~

By establishing a written policy on how to handle violent workplace situations, the City provides managers and employees with a tool to promote a safe work environment as well as guidance as to how to swiftly respond to workplace situations of a violent nature.

Emergency

If an employee is a victim/witness to a crime in progress, an incident involving a hostage situation or a weapon, contact the Police **IMMEDIATELY! (DIAL 911.)**

~~Each City Department is required to develop a duress word or phrase that will signal other employees that an emergency situation is in progress. By hearing the duress word or phrase, employees will know to contact the Police immediately. Each Department Director/Department Head is responsible for ensuring that the duress word or phrase is identified and communicated to all current and future employees.~~

Should an emergency situation occur that warrants contacting the Police, the Supervisor shall contact the Human Resources Department as soon as reasonably practical, possible but no later than the same business day, next work day to report the incident and receive further instructions.

Non-Emergency

If an employee believes that he or she is a victim or a witness to a violent act in the workplace, either actual

or perceived, such employee should **immediately** report the facts of the incident and the name of the individuals involved in the incident to the employee's supervisor or the Human Resources Department as soon as reasonably practical but no later than the same business day in which the incident occurred. ~~As the victim or witness, the employee should use the City of Rockville's **Violent Incident Report** to record important facts and information regarding the violent act. This report should be submitted directly to the employee's Supervisor or the Human Resources Department for further action.~~

Upon receipt of ~~the Violent Incident Report~~ a report of a violent act in the workplace from the victim or witness, the Supervisor or Human Resources Department shall conduct an investigation, ~~utilizing the City of Rockville's Violent Incident Investigation Report. This Investigation Report shall be completed within five (5) working days of receipt of the initial Violent Incident Report.~~

~~If the Supervisor conducts the investigation, he or she shall promptly forward the completed Violent Incident Investigation Report, including findings and recommendations, to the Human Resources Department. The Human Resources Department will review the report and issue comments to the investigating supervisor within five (5) working days of receipt of the investigative report.~~

Violations of Policy

Any employee found to have violated the City of Rockville's Workplace Violence Policy shall be disciplined in accordance with the City of Rockville Personnel Rules and Regulations, and/or applicable Departmental Regulations and Collective Bargaining Agreements.

PPP # 185-00

Policy on Fraud Prevention and Whistleblower Protection

PURPOSE

This Policy affirms the City of Rockville's commitment to safeguarding the organization and its assets from fraud and other similar improprieties, and establishes guidelines to ensure a safe and confidential environment for reporting any violation of the policies and procedures set forth in the Personnel Manual, including but not limited to, improper financial activities and other fraudulent activities.

PRINCIPLES

Fraud and Other Similar Improprieties

The City of Rockville (City) is committed to protecting the organization, its operations, its employees and its assets against fraud and other similar improprieties. A constructive culture requires integrity in the administration of the City's resources to ensure public trust. Fraud and any other similar improprieties are contrary to a constructive culture and will not be tolerated under any circumstances.

Fraud is defined as an intentional deception, misappropriation of resources or the manipulation of data to gain financial or other benefits. Fraud and other similar improprieties include, but are not limited to:

1. Forgery or alteration of checks, drafts, promissory notes or securities.
2. Any misappropriation of funds, securities, supplies or any other asset.
3. Any irregularity in the handling or reporting of money transactions.
4. Misappropriation of furniture, fixtures or equipment.
5. Unauthorized use or misuse of City property, equipment, materials or records.
6. Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of City-owned software.
7. Any claim for reimbursement of expenses that are not made for the exclusive benefit of the City.

Training

As a preventive and proactive step, the City will make reasonable efforts to notify employees of this Policy during orientation and through periodic email updates.

Obligation to Report Activities

Each employee of the City has an obligation to report any suspected fraud, questionable or improper accounting, auditing, and other financial activities, as well as suspected violations of the Personnel Manual.

Confidentiality

The City recognizes that confidentiality is important to all parties involved in any complaint and investigation. Confidentiality will be maintained to the fullest extent provided by law and will be consistent with the Maryland Public Information Act.

Retaliation and False Claims Prohibited

The City will not tolerate retaliation against any employee or other person for initiating, pursuing, or assisting with a complaint of alleged fraud or other similar improprieties to the City or to any government agency.

The City also forbids retaliation against any employee or other person for participating in any investigation of a complaint of fraud or similar improprieties. Any individual who engages in retaliation against any City employee in violation of this Policy may be subject to disciplinary action, up to and including dismissal from service.

Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates a violation of this policy. An employee or other person who knowingly make false allegations will be subject to discipline, up to and including dismissal.

PPP # 185-10 Procedure on Fraud Prevention and Whistleblower Protection

PURPOSE

This Procedure implements the Policy on Fraud Prevention and Whistleblower Protection (PPP# 185-00).

GENERAL RULES

Reporting Process

A. Any City Employee who has knowledge of, directly or indirectly, or has reason to suspect that any act of fraud or similar impropriety has occurred, should immediately report the circumstances to one or more of the following:

1. Fraud Prevention Hotline
2. City Manager
3. Human Resources Director

B. The Human Resources Director or a designee shall conduct an inquiry into any and all complaints of fraudulent activity. Where circumstances require, the City may retain outside assistance to conduct the inquiry and submit a report of the findings to the City. Based on the results of the inquiry, the City will determine whether the reported misconduct occurred, and whether it violates the Policy on Fraud Prevention and Whistleblower Protection (PPP# 85-00). Should the City conclude that there has been a violation of the Policy on Fraud Prevention and Whistleblower Protection, appropriate corrective action will be taken.

Disciplinary Actions

Any employee found to be responsible for fraud or similar improprieties in violation of this Policy shall be subject to appropriate disciplinary action, up to and including dismissal.

In addition, employees who knowingly make false allegations or engage in prohibited retaliatory practices will be subject to discipline, up to and including dismissal.

PPP # 186-00 Policy on Computer and Electronic Communications

PURPOSE

This Policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, Internet, electronic mail (e-mail), and other computer usage.

PRINCIPLES

Compliance

City employees and other users are encouraged to use the City's computer and electronic communications system to assist them in performing their work responsibilities effectively, efficiently, and at the highest level. Violation of this Policy or the Procedure on Computer and Electronic Communications (PPP# 186-10) may result in disciplinary action, including possible dismissal, as well as civil and criminal liability.

This Policy may be revised, expanded, or otherwise modified at any time, and it is the responsibility of City employees to ensure that they are familiar with the current Computer and Electronic Communications System Policy at all times.

No Expectation of Privacy

The City is the exclusive owner of all information, messages, data and files (whether electronic, digital, printed audio, video, or other) created or distributed using the City's electronic communications system. Users do not have an expectation or right of privacy or confidentiality in their use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the Internet sites they visit. Electronic communications are neither private nor secure. E-mail and/or voice mail maybe stored indefinitely on any number of computers, in addition to that of the recipient.

Monitoring of Computer and Electronic Communication Usage

The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material downloaded or uploaded by users to the Internet, and reviewing email and voice mail sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's computer and electronic communication system shall constitute consent to such monitoring.

Maintaining Professionalism

At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. The quality of writing reflects on the City. Users should always strive to use good grammar and correct punctuation, and keep in mind that anything created or stored on the computer system may be reviewed by others.

Email Retention

~~The City's electronic communications system is configured to automatically delete e-mail messages after a period of time. The purpose is to protect the integrity of the computer system. Once the e-mail message is deleted there is no possible way to retrieve and restore the message. If you wish to save messages that are older than six months, it is recommended that you print your message.~~

Ecommerce

Users should exercise caution when connecting to Internet sites that require credit card information. City credit cards may only be used with approval of a department head and only on secure sites that utilize HTTPS/SSL

(the padlock icon will appear at the bottom of the page in most Web browsers).

PPP # 186-10 Procedure on Computer and Electronic Communications

PURPOSE

This Procedure implements the Policy on Computer and Electronic Communications (PPP# 186-00).

GENERAL RULES

Appropriate Uses

The computer and electronic communications system is the property of the City of Rockville government and may only be used for approved purposes. Occasional personal use of the computer and electronic communications system is permitted if the use does not: (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) compromise the integrity of the computer and electronic communications system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of the City of Rockville. Personal use of the computer and electronic communications system is a privilege that may be revoked at any time.

Inappropriate Uses

Under no circumstances, should the City's computer and electronic communications system be used for sending, transmitting, receiving, copying, or storing any communication that violates any City Policy (including the City's Unlawful Discrimination and Harassment Policy and Workplace Violence Policy) or is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and the Director of Information & Technology (IT). Exceptions are limited to police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. This is permissible with the prior approval of the Chief of Police.

Other prohibited uses of the City's computer and electronic communication systems include: (1) sending chain letters; (2) sending copies of documents, messages, software, or other materials in violation of copyright laws; (3) compromising the integrity of the City and its business in any way; and (4) "moonlighting" or the advertisement of personal business. Users are cautioned to exercise care and good judgment when sending humorous material. Humor, irony, and emotion are difficult to communicate in an e-mail message. Therefore, attempts at either may be misinterpreted by the reader or recipient.

When using group e-mail, users are required to use discretion and to exercise good judgment. For example, sending to the "everyone" group adds to everyone's workload and taxes the network; examples of such inappropriate use include announcements of leave time and solicitations.

Misuse of Software

Without prior written authorization from the IT Department, users may not do any of the following: (1) copy software for use on their home computers or to other computers; (2) provide copies of software to any independent contractors of the City or to any third person; (3) install software on any of the City's workstations or servers; (4) download any software from the Internet or other online service to any of the City's workstations or servers; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the Director of IT.

Virus Detection

Files obtained from sources outside the City, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail; and files provided by citizens or vendors, may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City-approved virus checking software. If a user suspects that a virus has been introduced into the City's network, he or she should notify the IT help desk immediately.

Password Upkeep

~~The IT department will issue guidelines on the criteria for establishing passwords. Passwords should be obscure and a minimum of four characters in length.~~ For best security, passwords should include special characters (e.g., "@," "!", "&," "%"). All passwords must be changed every ninety days. Users of the network who do not change their passwords will be prompted to make a change or they may be automatically locked out of the system.

PPP # 190-00 Policy on Drugs and Alcohol

PURPOSE

The purpose of this Policy is to establish basic rules to ensure that the City of Rockville maintains a drug- and alcohol-free workplace, and, in appropriate circumstances, offers assistance to employees who have a problem with substance abuse.

SCOPE

The Policy is inclusive of all individuals who are employees of the City or candidates who have been given a conditional offer of employment. Applicants for, and employees in safety-sensitive positions will constitute the primary focus of the testing program. However, employees who are not in safety-sensitive positions may also be tested if there is reasonable suspicion for the need for such testing. The testing will pertain to all forms and manners of drug and alcohol use, abuse, and dependence. In the administration of this policy, the City may perform the following types of drug and/or alcohol tests: pre-employment, random, reasonable suspicion, post-accident, and follow-up testing.

PRINCIPLES

Safe Work Environment

The City of Rockville has a legal obligation under the Drug-Free Workplace Act of 1988 and a responsibility to its employees to provide a safe work environment. The City's primary goal of providing necessary and essential services to its citizens must also include safe working conditions for its employees. Failure of the City to ensure that its employees can perform their duties without endangering themselves or the public creates the potential for a liability.

The use of illegal drugs or drug or alcohol abuse may seriously impair employees' ability to perform their jobs. The possession, active use, sale, purchase, transfer, manufacturing, distributing or dispensing of an illegal drug or controlled substance by an employee or any person is a crime, and should it occur by an employee during working hours or on City property, is cause for disciplinary action, up to and including dismissal. The illegal use of drugs and controlled substances by employees will not be tolerated.

~~Therefore, the City of Rockville has adopted the following rules:~~

To ensure the fitness of individuals selected to fill positions involving the public safety, as a condition of employment, any candidate who is extended a conditional offer of employment for a safety sensitive position may be required, as part of the pre-employment physical examination, to take and pass a drug ~~and alcohol~~ screening test. Failure of an individual to pass this screening shall result in the withdrawal of the conditional offer of employment. Additionally, employees will be required to take drug tests when required by state or federal regulations, such as the U.S. Department of Transportation Drug and Alcohol Testing regulations. Safety sensitive positions are defined as follows:

1. sworn or not sworn police officers who are required to carry or use firearms and/or handle evidence;
2. drivers of motor vehicles, where vehicle operation is a main job responsibility; and

3. operators of power or other equipment which may, if improperly operated, pose a threat

to personal or public safety.

~~In addition to the above guidelines, the City will require any employee to undergo drug and /alcohol testing if reasonable suspicion exists that the employee is under the influence of drugs or alcohol during work hours and/or on City property. Grounds for reasonable suspicion include, but are not limited to:~~

- ~~—an on the job injury or accident (regardless of fault), including any "accident" (regardless of fault) as defined in the Procedure on Vehicle Safety Review (PP#200-10);~~
- ~~—following an on the job injury when the City has a reasonable basis for concluding that drug and/or alcohol use could have contributed to the injury or illness;~~

~~1.~~

- ~~1. observed use or possession of drugs or alcohol;~~
- ~~2. observed physical symptoms, including the odor of marijuana or alcohol, slurred speech, poor coordination, abnormal gait, glassy or bloodshot eyes, etc.;~~
- ~~3. abnormal or erratic behavior.~~

Failure of an employee to submit to a drug and/ alcohol test when directed to do so by the Human Resources Director or a designee, constitutes insubordination which will be cause for dismissal.

Confidentiality

All information collected and maintained in connection with drug/alcohol testing is confidential.

~~Only the following persons are authorized to have knowledge of, or when appropriate, access to any information pertaining to an applicant's or employee's involvement in drug/alcohol testing:~~

- ~~1. City Manager~~
- ~~2. Human Resources Director/relevant Human Resources staff~~
- ~~3. Department Director Department Head/immediate supervisor~~
- ~~4. Employee/applicant who has been tested~~
- ~~5. City Attorney/relevant staff~~
- ~~6. Medical Review Officer~~
- ~~7. Any individual(s) designated by the employee/applicant~~

Consent

Compliance with the City's Drug and Alcohol Policy and Testing Program is a condition of continued employment for all City staff positions. Those current employees who refuse to follow the policy and do not consent to testing will be subject to disciplinary action, ~~up to and including~~ which will be cause for dismissal. All candidates who have been extended an offer of conditional employment for safety-sensitive positions must submit to drug/alcohol testing and pass the test.

PPP # 190-10 Procedure on Drugs and Alcohol

PURPOSE

This Procedure implements the Policy on Drugs and Alcohol (PPP# 190-00). Employees within the Police

Department are subject to General Order #5-32 Drug and Alcohol Testing.

GENERAL RULES

Responsibilities

Definitions:

Alcohol – means drinks made by fermenting fruit juices, sugars and fermentable carbohydrates with yeast to form alcohol. These include beer, malt liquor, cider, wines, spirits such as brandy, gin and rum, liqueurs from distilled spirits and fortified wines. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol

Drug - means amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein and those contained in the Controlled Dangerous Substance statutes. All illegal substances (narcotic and non-narcotic) which are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to the Annotated Code of Maryland.

Drug test - means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

Initial drug test - means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens.

Confirmation test - means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. May also be referred to a confirmed test or confirmed drug test.

Prescription or nonprescription medication - means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Property – includes, but is not limited to, city owned buildings or facilities, equipment, vehicles, desks, lockers, containers, storage units and file cabinets.

Reasonable suspicion drug testing - means drug and or alcohol testing based on a belief that an employee is using or has used drugs or alcohol ~~in violation of the Rockville City Police Department policy~~ drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon but not limited to:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. Evidence an individual has tampered with a drug test during employment ~~with Rockville City Police Department.~~
4. Information an employee has caused, or contributed to, an accident while at work.
5. Evidence that an employee has used, possesses, sold, solicited, or transferred drugs, outside of Department policy, while working or while on city property or while operating a city vehicle, machinery or equipment.

General Requirements

Employees shall not take an illegal drugs, dangerous substances or prescription drugs unless prescribed by a person authorized to do so.

No employee shall introduce into their body any prescribed or over-the-counter medication in amounts beyond the recommended dosage, or otherwise use a legal drug in an illegal manner.

The City does not permit employees to use or possess marijuana, including medical marijuana, regardless of duty status, even if the employee has a medical marijuana card that conveys on him or her "caregiver" or "patient" status in the state of Maryland.

Employees shall not report for duty under the influence of alcohol or consume alcoholic beverages while on duty, unless permitted pursuant to the Alcohol in the Workplace section below.

Any employee who takes prescription or nonprescription medication which may impair judgment or prohibit an employee from performing regular duties must notify his or her supervisor immediately. The supervisor will advise the employee to contact Human Resources to discuss next steps.

All property belonging to the City is subject to inspection at any time, without notice.

The substances subject to testing may include alcohol, amphetamines, barbiturates, benzodiazepines, cocaine or cocaine metabolites, marijuana (cannabis/cannabinoids) metabolites, methadone, methaqualone, opiates, phencyclidine, steroids, and propoxyphene.

In situations in which the health and safety of any individual may be endangered as the result of behavior suspected to be caused by illegal drugs or alcohol use, the immediate supervisor will take steps to secure a potentially dangerous situation.

Pre-Employment Testing

As a condition of employment, any candidate who is extended a conditional offer of employment for a safety sensitive position may be required, as part of the pre-employment physical examination, to take and pass a drug screening test. Failure of an individual to pass this screening shall result in the withdrawal of the conditional offer of employment. Additionally, employees will be required to take drug tests when required by state or federal regulations, such as the U.S. Department of Transportation Drug and Alcohol Testing regulations.

Random Testing

All employeesAs required by law, affected employees will be required to submit to unannounced drug and alcohol testing when selected pursuant to the random selection process established by the Human Resources Department.

Reasonable Suspicion Testing

The basis for making a determination on when to conduct a reasonable suspicion test is drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. The basis for the determination shall be documented by the supervisor and/or Human Resources Director or their designee.

Employees who are required to undergo a reasonable suspicion test will be placed under Administrative Leave and will not be authorized to return to work until cleared to do so by the Human Resources Director, or designee.

Upon reasonable suspicion, the supervisor will immediately contact the accused employee and advise the employee not to operate any vehicle. The supervisor will contact the Human Resources Department and advise of the situation and request assistance, as needed, to conduct a reasonable suspicion determination.

If an employee is required to undergo reasonable suspicion testing, they will be accompanied by a supervisor or representative from the Human Resources Department who will remain at the facility with the employee until the test is complete. Transportation for the employee will be arranged, they will be placed on Administrative Leave, and will be advised to not return to work until cleared to do so by the Human Resources Director or their designee.

Where reasonable suspicion of drug and/or alcohol use exists, and when health and safety are not endangered, the immediate supervisor will immediately call the employee in for a meeting and question the employee about the observed behavior.

Upon meeting with the employee and their supervisor, the Human Resources Director or their designee will determine which further action should be taken. This further action may include, but not limited to, referral for a drug/alcohol test, referral to the City's Employee Assistance Program, and/or disciplinary action.

- a. The Human Resources Director will notify the employee of any decision to test.

Post-Accident Testing

All employees who while operating City-vehicles for City-business, or personal vehicles for City-business, and who are involved in an accident as defined in the City's Vehicle Safety Policy, will be required to undergo post-accident drug and alcohol testing.

Follow-Up Testing

Employees who had previously tested positive for drugs or alcohol will be required to submit to follow-up testing prescribed by the substance abuse professional and/or the Human Resources Department.

Responsibilities

~~A. Human Resources Director~~

~~The Human Resources Director oversees the implementation and enforcement of all policies relative to substance abuse and drug/alcohol testing through appropriate subordinates, the Employee Assistance Program, Medical Review Officer, and laboratory sources.~~

~~The Human Resources Director will ensure that:~~

- ~~1. the drug/alcohol testing is properly conducted on all candidates who have been extended an offer of conditional employment for safety sensitive positions, or when such testing is required by laws or regulations on employees where reasonable suspicion exists as specified by the policy;~~
- ~~2. employees referred to the Human Resources Department for reasonable suspicion of drug or alcohol use are properly assessed;~~
- ~~3. employees who are to be tested have appropriate transportation to the specimen collection site. Under no circumstances are employees to be allowed to transport themselves;~~
- ~~4. the samples are taken, maintained, and tested in accordance with current legal requirements;~~
- ~~5. programs are conducted educating employees on the hazards of drug/alcohol abuse, utilizing appropriate available resources; and~~
- ~~6. employees are referred to the Employee Assistance Program or a health care provider when appropriate to do so.~~

~~B. Department Director Department Heads~~

~~Department Director Department Heads will ensure that:~~

- ~~1. supervisors and employees in the department receive training on drug/alcohol abuse prevention and maintain a list of supervisors and employees who have been trained;~~
- ~~2. disciplinary action is taken as appropriate; and~~
- ~~3. information about the Employee Assistance Program, the Wellness Program, and this Policy are appropriately distributed within the department.~~

~~C. Supervisors~~

~~**S**upervisors will **be responsible for** :~~

~~reporting behavior that may amount to reasonable suspicion to the respective Department Director, Department Head and the Human Resources Director Department; and~~

~~r_efer employees with acknowledged drug/alcohol problems to the Human Resources Department.~~

~~D. Medical Service/Medical Review Officer (MRO)~~

- ~~1. The Medical Service (laboratory) will obtain consent and collect blood and/or urine specimens from applicant/employees, and will maintain the chain of custody in the collection, handling, and processing of~~

~~specimens, and conduct the drug and alcohol tests in compliance with applicable laws.~~

~~2. If the test result determined by the City's Medical Review Officer is positive, the applicant/employee may have a re-test conducted by an independent laboratory. Upon receiving a request for a re-test, the Medical Service will arrange for the original specimen to be delivered to the independent laboratory designated by the applicant/employee. Independent testing is the responsibility of the applicant/employee. Consequently, any testing other than the test conducted by the City's Medical Service will be done at the applicant/employee's expense.~~

~~3. The Medical Review Officer will notify the Human Resources Director of test results and provide a copy of the laboratory report within 30 days of the test.~~

~~E. City Attorney:~~

~~The City Attorney:~~

~~1. advises the City Manager, Human Resources Director, Medical Review Officer, and Department Director/ Department Heads on changes in federal, state, and local laws affecting drug/alcohol testing and the treatment of employees with drug/alcohol abuse problems; and~~

~~2. provides general advice to the Human Resources Director, Department Director/ Department Heads and City management on the application of the proper process.~~

Testing Methodology

Because of the consequences of positive test results on employees, the City will employ a two- stage testing program. Urine and blood samples will be analyzed by an independent and certified laboratory, ~~certified by the State of Maryland. All samples will be tested according to appropriate standards, including immunoassay screen for chemical substances and a confirmatory Gas Chromatography/Mass Spectrometry test (GC/MS).~~

Collection of specimens will be ~~scheduled and performed by~~ certified collectors. ~~the Medical Review Officer. This will be done at the Medical Review Officer's location.~~

~~1. Initial and confirmatory testing of collected specimens will be performed by a laboratory designated by the City and certified by the National Institute of Drug Abuse.~~

~~Both the Medical Review Officer and the Medical Service will ensure adherence to chain of custody and confidentiality requirements.~~

Reporting of Results

1. The laboratory will report test results in writing to the City's Medical Review Officer/Designated Employer Representative within the Human Resources Department, as designated by the Human Resources Director.

2. A positive test result will be reported as confirmed only after the Medical Review Officer has reviewed the medical history and other information offered by the applicant/employee.

~~3. The Medical Review Officer will report the test results to the Human Resources Director. The Human Resources Director will report those results to the City Manager and the Department Director/ Department Head. The Human Resources Director will also notify the individual of the results. If positive, the individual employee will be provided with a copy of the laboratory report.~~

~~4. Test result reports and other information acquired in the testing program are confidential and may not be disclosed except as indicated in the confidentiality section of the Policy on Drugs and Alcohol (PPP# 190-00).~~

~~5.4. Test results will be maintained in the Human Resources Department, as part of applicant/employee medical records.~~

~~6.5. The Medical Review Officer will not report on the use of any non-prescription drug, other than alcohol, that is not prohibited by Maryland law, nor will the Medical Review Officer report on the use of any medically prescribed drug unless the employee or applicant is unable to establish that the drug was medically prescribed.~~

Testing Process and Consequences

Pre-Employment Testing Process

The Human Resources Director (or designee) will notify applicants of requirements for testing and the consequences of positive test results and will schedule appointments for the collection of specimens from designated individuals as appropriate.

For Pre-Employment Testing,

The Human Resources Director will contact the Medical Review Officer to verify that the applicant appeared for the test, presented positive identification, and provided a urine specimen. An applicant's failure to provide a urine specimen, or inappropriate behavior (e.g., tampering with a urine specimen), may result in withdrawal of an offer of employment.

The Medical Review Officer will process and evaluate the sample appropriately with the City's Medical Service.

The Medical Review Officer will notify the City's Human Resources Director of the results of the tests.

The Human Resources Director, consistent with confidentiality requirements, will notify authorized City officials of the test results and determine what further action should be taken.

Pre-employment drug testing for Police Officers will be done in accordance with the State of Maryland, Department of Public Safety and Correctional Services regulations.

If the GC/MS Medical Review Officer has verified that the test is positive, applicants for employment will no longer be considered for employment.

An employee's refusal to submit to such a test is considered insubordination and constitutes grounds for dismissal.

If test results are confirmed positive for use of illegal drugs, misuse of legal drugs, or alcohol, the City will take appropriate actions, which may include discipline, referral to the EAP, and/or dismissal. The individual may be referred to the Employee Assistance Program for counseling and referred for participation in an acceptable drug rehabilitation program.

- Refusal to submit to testing or comply with the conditions of a rehabilitation program is cause for immediate dismissal.
- Employees who fail any subsequent tests may be subject to dismissal.

Reasonable Suspicion Process

Where reasonable suspicion of drug and/or alcohol use exists, and when health and safety are not endangered, the immediate supervisor will immediately call the employee in for a meeting and question the employee about the observed behavior.

The supervisor will decide whether to allow the employee to return to the worksite or to refer the employee to the City's Human Resources Department for further assessment.

In the event of a referral, transportation should be arranged for the employee, and the Human Resources Director will be notified.

The supervisor will accompany the employee to the meeting with the Human Resources Director.

The Human Resources Director will meet with the employee and supervisor and determine what further action should be taken. Further action may include, but not be limited to, referral for a drug/alcohol test, referral to the City's Employee Assistance Program, and/or disciplinary action.

a. The Human Resources Director will notify the employee of any decision to test, and will

~~schedule an appointment with the Medical Review Officer. An employee's refusal to submit to such a test is considered insubordination and constitutes grounds for dismissal.~~

~~b. The Human Resources Director will contact the Medical Review Officer to verify that the employee complied with drug/alcohol testing requirements. The Medical Review Officer will review the laboratory's findings, and upon completion of this review, will notify the Human Resources Director of the test results.~~

~~c. If test results are confirmed positive for use of illegal drugs, misuse of legal drugs, or alcohol, the City will take appropriate actions, which may include discipline, referral to the EAP, and/or dismissal. The individual may be referred to the Employee Assistance Program for counseling, and referred for participation in an acceptable drug rehabilitation program.~~

~~d. Refusal to submit to testing or comply with the conditions of a rehabilitation program is cause for immediate dismissal.~~

~~2. Employees who fail any subsequent tests may be subject to dismissal.~~

~~3. Employees who pass the follow-up test will be subject to periodic testing, upon reasonable suspicion, after testing positive the first time. Any employee who subsequently tests positive may be subject to dismissal.~~

~~4. In situations in which the health and safety of any individual may be endangered as the result of behavior suspected to be caused by illegal drugs or alcohol use, the immediate supervisor will take steps to secure a potentially dangerous situation.~~

Testing Sites

Testing for drug and alcohol will take place at:

Adventist HealthCare Urgent Care, 750 Rockville Pike, Rockville, MD 20852 for all tests to take place between 8:00 a.m. to 8:00 p.m.

Shady Grove Emergency Room, 9901 Medical Center Dr., Rockville, MD 20850 for all tests to take place between 8:00 p.m. to 8:00 a.m.

Employee/Applicant Rights

An applicant or employee, prior to any type of drug/alcohol testing, will be advised of: the reason(s) for requiring the test; the consequences of refusing to be tested (disciplinary action, refusal of employment); the name of the laboratory that will perform the test; and that, if the result of the test is confirmed as positive, the individual is entitled to have a test conducted on the same specimen by a different certified laboratory at the individual's own expense (full cost).

An applicant/employee who has a confirmed positive drug test result will be given ~~within 30 calendar days of the date on which the specimen was taken,~~ a copy of the laboratory report. ~~;~~ Notice that he or she is entitled to have a test conducted on the same specimen by a different certified laboratory at his or her own expense will be provided by either the City or the Medical Review Officer; and, if applicable, ~~written~~ notice of the City's intent to terminate, take disciplinary action against the employee or change the conditions of the individual's employment. If the employee in question is a member of a bargaining unit, disciplinary action will be governed by the collective bargaining agreement with the City.

Drug Education

The City may provide educational seminars for all City employees, which may include the following topics:

- City policy on drugs and alcohol (what City employees need to know)
- Drug and alcohol effects
- How drugs affect the health of the employee and family
- How drugs affect productivity and the City
- How drugs affect the community
- The role of the EAP (i.e., services offered, resources available)

Drugs in the Workplace

The use, possession, transfer, sale, or purchase of any illegal drug, or any prescription drug without a valid prescription, on City property (which includes but is not limited to City motor vehicles, City-sponsored functions, or wherever City business/work is being conducted) is prohibited.

If an employee is found to be in violation of this section of the Policy, the employee will be suspended without pay immediately. Further disciplinary action, up to and including dismissal, will then be determined by management in consultation with the Human Resources Director. ~~Management~~ The City may refer evidence obtained to law enforcement agencies when it is appropriate to do so.

Alcohol in the Workplace

The consumption, use, possession, transfer, sale, or purchase of alcohol on City property (which includes but is not limited to City motor vehicles, City-sponsored functions, or wherever City business/work is being conducted) is prohibited with the following exceptions:

1. Consumption, possession, sale or purchase of alcohol at certain City conference, or recreational facilities, where the exception has prior approval of management.
2. The use of alcohol by employees while conducting business, attending a City-sponsored business or social function, or otherwise representing the City off City property as approved by management is permitted only to the extent that it does not lead to impaired performance, inappropriate behavior, endangering the safety of any individual, or violating applicable law.
3. Possession of alcohol while being transported in a City motor vehicle in compliance with applicable legal requirements, with prior approval of management.
4. Possession of alcohol while in an employee's personal vehicle.

If an employee is found to be in violation of this section of the policy, management will, in consultation with the Human Resources Director, determine the appropriate disciplinary action to be taken, up to and including dismissal.

PPP # 195-00 Policy on Smoking PURPOSE

~~The purpose of this Policy is to define the restrictions on smoking in City buildings and in all City vehicles.~~

SCOPE

~~The Policy applies to all City employees, applicants, and any member of the general public using City facilities.~~

PRINCIPLES

Definitions

~~The following words and phrases, as used in this Policy and the Procedure on Smoking (PPP# 195-10) are defined as follows:~~

~~Employee: Any person who is employed by the City of Rockville, including regular, temporary, full-time or part-time, contractual, and provisional employees, as well as contractors and consultants doing business for the City.~~

~~Public Area: An enclosed area in which members of the public are normally invited or permitted.~~

~~Public Meeting: Any meeting, wherever held, that is open to the public.~~

~~Smoking: The act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind.~~

~~Vehicle: Any City-owned vehicle, including a car, truck, or van.~~

~~Workplace: An enclosed area or any part of an enclosed area used in the performance of employment or related activities. Workplace includes any City-owned vehicle, conference room, auditorium, lunchroom,~~

vending area, locker room, lounge, hallway, or stairwell.

Prohibition on Smoking

Smoking is prohibited in any City-owned or operated facility as well as any City-owned or operated vehicle.

PPP # 195-10

Procedure on Smoking

PURPOSE

This Procedure implements the Policy on Smoking (PPP# 195-00).

GENERAL RULES

RESPONSIBILITIES

The City Manager or designee is responsible for ensuring that all proper signs are posted and that all City employees and the public are aware of and understand the Policy.

The supervisors are responsible for implementing the Policy within the worksite and ensuring that all employees understand and follow the rules of the Policy.

The City employees are responsible for following the rules of the Policy and, whenever necessary, informing the general public, at the worksite, about the Policy.

The Human Resources Director is responsible for the overall implementation and enforcement of the Policy, as it applies to City employees, ensuring that each individual is treated equally and fairly and that discipline for all employee infractions is handled in accordance with the City's Policy and Procedure on Discipline and Dismissal (PPP# 75-00 and 75-10) and/or contractual agreements.

The Division of Inspection Services is responsible for the overall enforcement of the Policy as it applies to City-owned buildings and vehicles.

GENERAL RULES

All City employees, as well as the general public, are responsible for adhering to the Policy on Smoking.

Signs prohibiting smoking must be posted conspicuously and will comply with existing regulations. Signs need not be permanently attached to a structure.

Employees violating the Policy or Procedures on Smoking are subject to disciplinary action, up to and including dismissal.

The supervisor or person in charge at a City facility must ensure adherence to the City's Smoking Policy and must ask any individual found smoking to leave the facility or area if the person continues to smoke after proper warning.

The City of Rockville will provide a smoke-free work environment for non-smoking employees to the maximum extent practical.

All complaints concerning the Policy and Procedures on Smoking should be directed to the Human Resources Director, who will keep a record and handle the problem as appropriate.

The restaurant/snack bar area of the Redgate Golf course, a leased facility, will follow the same smoking regulations as any other restaurant located in the City. All other areas of the facility including the pro shop, bathrooms, hallways, etc. will be operated in accordance with this Policy and Procedure.

PPP # 200-00

Policy on Vehicle Safety Review

PURPOSE

The City of Rockville Vehicle Safety Review Policy has been established in an effort to review and reduce the number of employees' accidents while driving City vehicles or private vehicles on official City business. Other objectives of this program include reducing the rate of motor vehicle insurance premiums; obtaining longer life from City vehicles; improving the safe driving ability of City drivers; improving public relations by demonstrating to the public that City drivers practice good traffic safety; and ensuring consistent treatment of employees when disciplinary action is taken as a result of an accident.

This policy covers all employees who operate City vehicles or private vehicles on official City business., ~~while driving for the City:~~

- ~~1. Are involved in an accident;~~
- ~~2. Negligently operate a City vehicle or private vehicle on official City business;~~
- ~~3. Violate the Vehicle Safety Backing Policy;~~
- ~~4. Fail to comply with a traffic laws ; and~~
- ~~5. Fail to pay a parking citation received while operating a City vehicle.~~

However, the Vehicle Safety Policy excludes the Police Department Officers while operating Emergency Vehicles. The Police Department Officers operating Emergency Vehicles both under emergency conditions and normal patrol, and the pursuit of a suspect/violator follow General Order policy 4-6.

PPP # 200-10 Procedure on Vehicle Safety Review

PURPOSE

The purpose of this procedure is to implement the Policy on Vehicle Safety Review.

SCOPE

Operation of vehicles and equipment shall be in accordance with all City, County, State and Federal Laws. Employees assigned to drive vehicles or equipment shall at all times drive in a safe and courteous manner. Vehicles or equipment shall not cross the roadway centerline to be positioned against traffic flow as a maneuver to perform a task unless all traffic control devices along with trained and certified flagger personnel are in place. Passengers will ride only in designated seating and wear safety belts at all times. Employees shall not ride on the running boards, toolbox, tailgate or roof of any vehicle, or in the back of a truck bed or trailer. Refuse truck riding steps should be used sparingly, avoided when slippery conditions exist, and never used when the vehicle is exceeding 105 miles per hour, or traveling more than 0.2 mile.

Drivers are responsible for the cleanliness and proper care of their vehicles and equipment, which includes reporting all needs for repair to Fleet Services the Department of Public Works as they occur. ~~All scheduled servicing, maintenance, and repairs will be done by Fleet Services.~~

Before vehicles and equipment are placed into operation, drivers are responsible for conducting a daily visual inspection to include all lights, signals, horn, mirrors, body, tires, fluid levels, and leaks of any kind. Operators of vehicles in excess of 25,000 GVW or any bus designated to carry more than ten (10) people (Code of Maryland Regulation 11.22.03.01) are required to possess a Commercial Commercial Driver's License and must perform a pre-trip and post-trip inspection upon use of the vehicle in accordance with ~~State~~ regulations. ~~In addition to the daily inspections, the driver is responsible for ensuring that any operational requirements described in the vehicle or equipment operator's instruction manual are performed.~~ An incident report must be filled out and submitted to the supervisor whenever any damage is noted.

With the exception of police officers on an emergency run, red-light and speed camera tickets while operating a city vehicle are the responsibility of the employee.

~~All employees who operate a City vehicle or a private vehicle on official City business are covered by this Procedure.~~

Any recommendations made within the scope of this Procedure are not to be interpreted as serving in the place of, or superseding, a decision made in a court of law.

VEHICLE SAFETY REVIEW

Definitions:

Vehicle – means any land motor vehicle designed for travel on public roads, including any attached machinery or equipment. Examples include, but are not limited to: cars, trucks, sport utility vehicles, pick-up trucks, specialty vehicles, and their appurtenances. Vehicles do not include Mobile Equipment.

Mobile Equipment – means any self-propelled vehicles not otherwise classified as a Vehicle. Mobile Equipment may be licensed or unlicensed and examples include but are not limited to: backhoes, front-end loaders, skid-steers, powered industrial trucks/forklifts, golf carts, all-terrain vehicles, tractors, powered line strippers, riding mowers, scissor or aerial lifts, among others.

General:

The Safety and Risk Management Administrator (SRMA), or their designee, will review reports of:

1. ~~Vehicle~~ Accidents involving City employees who were operating vehicles or mobile equipment or private vehicles driven on official City business;
2. Negligent operation of any City vehicle, mobile equipment, or private vehicle driven on official City business;
3. Violation of the Vehicle Safety Backing Policy;
4. Failure to obey a traffic law while driving for the City; and
5. Failure to pay a parking citation received while operating a City vehicle.

According to this policy on Vehicle Safety Review an "accident" is defined as any of the following incidents involving an employee who operates a ~~City~~ vehicle, mobile equipment, or a private vehicle on official City business that meets any one of the following:

1. There is a fatality; or
2. Injury to anyone involved in the accident that requires medical treatment; or
3. Any involved vehicle is damaged so that it cannot be legally driven ~~during daylight hours after minor repairs~~; or
4. As a result of the collision a citation has been issued to the City employee; ~~operator of the City vehicle or the private vehicle operated on official City business; or~~
5. A supervisor or Safety and Risk Manager has objective facts giving reason to believe that the employee is at least partly responsible for causing or contributing to the accident; or
6. There is property damage to public, private, or City property.

Exceptions:

This policy does not apply to unoccupied or parked vehicles.-

This policy does not apply if the City employee who while operating a vehicle or mobile equipment on official City business is involved in an accident and did not contribute to the accident occurring. An example of this exception is below:

- A City employee who while driving a vehicle on official City business is stopped legally at a red signal at a traffic light and is struck (rear-ended) by a vehicle behind it.

In certain approved circumstances, (for example, when performing snow plowing and salting operations in inclement weather), ~~discretionary review by the Supervisor and~~ the SRMA Safety and Risk Manager will determine the application of these guidelines.

The SRMA Safety and Risk Manager may review incident reports, liability notices, police reports, resident complaints, and any other reports as necessary. The Safety and Risk Manager SRMA may also interview employees involved, any witnesses, Police Department personnel, and any other appropriate individual to aid the investigation.

The Safety and Risk Manager SRMA shall make a determination of an accident as either preventable or non-preventable as defined by the National Safety Council. The National Safety Council defines a preventable accident as "a collision in which the driver failed to do everything reasonable to avoid it." This determination will be utilized in the event of any administrative corrective action taken as a result of the accident.

A determination of preventable and non-preventable also will be made of the other listed occurrences. The Safety and Risk Manager SRMA may use any available means and devices to administer this Policy.

VEHICLE BACKING POLICY

City Drivers should avoid backing whenever possible and plan ahead to reduce the amount of backing required. A vehicle should be backed up only if there is no other alternative and then only if any available passenger positions himself/herself behind the vehicle (no riding on the vehicle) to guide the driver. The passengers are equally responsible during the backing maneuver. If they do not request to be allowed to exit the vehicle to be posted at the rear of the vehicle, each passenger will be held accountable.

If the driver refuses the passengers requests, then only the driver is held in violation of the rule. If there is no passenger or anyone available to assist the driver, the driver is responsible for getting out of the vehicle to make a visual inspection behind the vehicle to be sure of no obstructions or other vehicles within the area of intended back up. After the scene has been surveyed the driver should back with great care, and only the distance necessary to begin forward progress. Additionally, this procedure will apply to pickups, sedans, SUVs and vans if conditions are not favorable for driver to back the vehicle, i.e., the driver's view is blocked or blind spots are a condition of the vehicle being backed up.

PROCEDURE ON VEHICLE SAFETY REVIEW

The SRMA will then submit to the Director of Personnel ~~Director of Human Resources~~ the determination and copies of all pertinent reports and facts. The Director of Personnel ~~Director of Human Resources~~ will then contact the appropriate supervisor to discuss recommended action. For accidents that are determined to be preventable, ~~the~~ Employees who violate this policy may be disciplined in accordance following are recommended disciplinary actions depending on the employee's number of previous offenses, and/or the severity of the accident and/or traffic violation involved:

1. Oral reprimand;
2. Written reprimand;
3. Probation;
4. Suspension without pay;
5. Reassignment or demotion to a non-driving position if possible; and
6. Dismissal.

All disciplinary actions must be taken in accordance with the Policy on Discipline and Dismissal (PPP# 75-00).

Employees may review the reports regarding accidents in which they were operating the vehicle and the accident was determined to be preventable. Employees should request through their supervisors to set up an appointment with the SRMA to review the reports. Supervisors and Designated Union Representatives shall must be in attendance at these reviews.

Accidents that are determined to be preventable, and any violations of this policy, including ~~and~~ any resulting disciplinary action will become a part of the driver's Personnel record. ~~(PPP # 203.)~~

PPP # 203-00 Policy on Driver's License Check and Flagging Program

PURPOSE

This Policy establishes a system to verify the validity of driver's licenses for new employees who will drive for the City, and to maintain a flagging system, which will ensure continued license validity for existing employees who drive for the City. This system will ensure that City drivers meet the City's standard for driving City vehicles or privately owned vehicles on official City business.

SCOPE

This Policy applies to all City employees who operate City owned/leased vehicles or privately owned vehicles driven on official City business.

PRINCIPLES

All City employees must possess a valid driver's license ~~valid in the State of Maryland~~ of the type and class

appropriate to its use in order to drive a City-owned/leased vehicle or privately owned vehicle on official City business. Employees with suspended or revoked licenses, will have their City driving privilege revoked and will be subject to the revocation ~~process~~.

PPP # 203-10 Procedure on Driver's License Check and Flagging Program

PURPOSE

This Procedure implements the Policy on the Driver's License Check and Flagging Program (PPP# 203-00).

GENERAL RULES

~~Responsibilities~~ Responsibilities

City Employees Who Will Drive for the City are responsible for:

1. Completing a Driver's License Check and Flagging Form and promptly returning it to their immediate supervisor who will then submit it to the Human Resources Department. Employees who ~~posses~~ possess a driver's license that is not issued by the State of Maryland must obtain and submit a current original printout of their driving record from the license issuing jurisdiction prior to starting to drive for the City and on an annual basis thereafter. Before driving, new employees who will drive for the City must complete and submit to their supervisor a Driver's License Check and Flagging form before driving.

2. Completing a Driver's License Check and Flagging Form when there is a name change or a new license issued. The "change existing record" box should be checked and a note describing the change should be made on the form. Renewal of a current license does not require the completion of a Driver's License Check and Flagging Form.

3. Maintaining a driver's license that is valid ~~in the State of Maryland~~ and a driving record that meets the City's standard for driving City-owned/leased vehicles or privately owned vehicles on official City business.

4. Informing their supervisor, or the Human Resources Department,s of all status changes ~~to~~of their driver's license, including any suspensions. -

5. Informing the Human Resources Department of any charges related to driving under the influence of drugs and/or alcohol which may affect your driving privileges.

~~56.~~ In the event that an employee requests that City driving privileges be reinstated, the Reinstatement Process found in this Procedure must be followed. ~~This applies only when an employee's City driving privilege was revoked and the employee was:~~

~~allowed to remain in the same City position without maintaining a City driving privilege;~~

~~temporarily or permanently transferred or demoted in pay and/or rank without maintaining a City driving privilege.~~

Reinstatement of the City driving privilege will not necessarily rescind any disciplinary actions taken.

Immediate supervisors of City drivers are responsible for:

1. Ensuring that all City drivers under their supervision have completed a Driver's License Check and Flagging Form prior to allowing them to operate vehicles for City business, ~~and that non-Maryland licensed drivers have submitted a current original printout of their driving record.~~

2. Ensuring that new employees complete a Driver's License Check and Flagging Form prior to performing any driving services for the City.

~~Completing a Driver's License Check and Flagging Form when an employee will no longer be driving a City-owned/leased vehicle or privately owned vehicle on official City business. The "delete record" box should be checked in this case.~~

~~Conducting an annual review of all drivers under their supervision to ensure that all name changes and new license issues have been reported on a Driver's License Check and Flagging Form. This review will be done during the month of July in each year.~~

Forwarding all Driver's License Check and Flagging forms and original printouts of driving records to the Human Resources Department promptly.

~~1. Revoking an employee's privilege to drive a City-owned/leased vehicle or a privately owned vehicle used on official City business, when the Department Director Department Head has advised the supervisor that the driver no longer meets the City's driving requirements. The immediate supervisor must ensure that the driving stops immediately and initiate the Revocation Process.~~

~~2. Consulting with their Appointed Official or Department Director Department Head on the course of action to recommend to the Human Resources Director to take for drivers under their supervision who have had their City driving privilege revoked.~~

~~3. Informing employees of the reinstatement of their City driving privilege. The Reinstatement Process should be followed at this point.~~

~~Department director Department Heads are responsible for:~~

~~1. Ensuring that all supervisors and employees who drive a City-owned/leased vehicle or privately owned vehicle on official City business in their department are included in the Driver's License Check and Flagging Program.~~

~~2. Overseeing the annual review of all drivers in their departments by the immediate supervisors. A written notice that all drivers in their department have supplied current information should be sent to the Human Resources Department along with all updated Driver's License Check and Flagging forms by the end of July in each year.~~

~~3. Advising the immediate supervisor of an employee who has had their City driving privilege revoked. The Revocation Procedure should be followed at this point.~~

~~4. Consulting with immediate supervisors on course of action to recommend to the Human Resources Director to take for drivers in their department who have had their City driving privilege revoked.~~

~~5. Notifying the Human Resources Director in writing of the recommended course of action for drivers in their department who have had their City driving privilege revoked.~~

~~6. Advising the immediate supervisor of an employee who has had the City driving privilege reinstated (when applicable). The Reinstatement Process should be followed at this point.~~

The Human Resources Department is responsible for:

1. Entering employees who will drive into the flagging system by forwarding the pertinent information from the completed Driver's License Check and Flagging forms to the Motor Vehicle Administration.

2. Conducting a review of all existing employees' driving records to ensure that all drivers meet the minimum requirements for City driving.

3. Advising employees and their supervisors, through their ~~Department Director~~ Department Heads, that their City driving privileges have been revoked. This notice will be in the form of a memorandum, and will be sent to the ~~Department Director~~ Department Head.

~~4. Maintaining a file that records all actions taken with regard to the Driver's License Check and Flagging Program.~~

~~5.4.~~ Monitoring the Driver's License Check and Flagging Program to ensure that all procedures are accurately followed.

~~6.5.~~ Reviewing driving records for out-of-state licenses supplied by employees to supervisors and verifying that these records are valid.

~~7.6.~~ Reviewing driving records supplied by employees to supervisors for the purpose of reinstatement of the City driving privilege (when applicable).

~~8.7.~~ Informing ~~Department Director~~ Department Heads that City driving privileges are reinstated to an employee through a memorandum.

Minimum Criteria to Operate Vehicles for City Business

All City employees must possess a valid driver's license of the type and class appropriate to its use in order to drive a City-owned/leased vehicle or privately owned vehicle on official City business.

City employees are expected to operate vehicles lawfully and respectfully. Therefore, the City will take the following action(s) if employees are assessed Points by the Maryland Motor Vehicle Administration (MVA) on their driver's licenses:

- 5 to 7 points – employees will be required to enter and successfully complete a Defensive Driving Course at the direction of the Human Resources Director or designee.
- 8 to 11 points – employees will have their City driving privileges revoked for the greater of six (6) months or the amount of time the license is suspended by the MVA.
- 12 points or more – employees will have their City driving privileges revoked for the greater of twelve (12) months or the amount of time the license is suspended by the MVA.

Revocation Process

When an employee no longer satisfies the minimum City criteria for driving a City vehicle or private vehicle on official City business, a memorandum of revocation will be sent by the Human Resources Department to the ~~Department Director~~ Department Head. The ~~Department Director~~ Department Head must notify the supervisor ~~immediately~~ to ensure that driving stops immediately.

When the driving privilege is revoked for an employee, the immediate supervisor will then consult with the ~~Department Director~~ Department Head to determine whether arrangements can be made for the continuation of employment activities for the employee. In the event an employee who has their driving privileges revoked, and whose job requires them to operate City vehicles, the Department Director ~~Department Head will then recommend in writing to the Human Resources Director~~ will determine:

- a. whether the employee may remain in the same capacity for the City without maintaining a City driving privilege;
- b. whether the employee may serve in another capacity, in the same department without maintaining a City driving privilege. For an employee, this may include, but may not be limited to, a transfer or demotion in rank and/or pay, which will remain in effect at least until the employee's driving privileges are reinstated; ~~or~~
- c. that the employee cannot remain in the same department in any capacity without maintaining a City driving privilege; ~~and/or;~~
- ~~e.~~ d. whether to proceed with recommending discipline pursuant to the Policy on Discipline and Dismissal (PPP #75-00).

~~The Human Resources Director will then decide whether to accept the Department Director~~ Department Head's recommendation or to pursue a different course of action. In the event of dismissal, the Human Resources Director will follow standard procedures for dismissal of employees through the City Manager.

Reinstatement Process

1. An employee must provide a current original printout of his or her driving record to the ~~supervisor~~ Human Resources Department, upon request, ~~and this driving record must reflect that the employee presently meets the minimum criteria for City driving.~~

~~2. The supervisor will promptly forward the copy of this driving record to the Human Resources Department.~~

~~3.2. The Human Resources Department will review the driving record, and decide whether to reinstate the City driving privilege to the employee. If the City driving privilege is not reinstated, the Human Resources Department will detail the reason(s) in writing to the immediate supervisor and send copies to the employee and the Department Director, Department Head.~~

~~4.3. When the driving privileges of an employee are reinstated~~

~~a. The Department Director, Department Head and immediate supervisor will be notified in writing through a memorandum of reinstatement from the Human Resources Department;~~

~~b. The Department Director, Department Head will then advise the immediate supervisor of the employee of the reinstatement and supply the immediate supervisor with a copy of the memorandum of reinstatement;~~

~~c. The immediate supervisor will then inform the employee of the notice of reinstatement by giving the employee a copy of the memorandum of reinstatement;~~

~~d.b. Any temporary demotions in rank and/or pay may be rescinded by the Department Director, Department Head at this time, provided a suitable vacancy exists. Standard procedures for reinstating personnel into their original status should be followed. (See Policy on Personnel Changes (PPP# 80-00).)~~

~~Should an employee wish to challenge the results of the Driver's License Check and Flagging Program, they may contest the findings of the Driver's License Check and Flagging Program by supplying the immediate supervisor with a current original printout of the driving record. The original printout of the driving record must be dated after any memorandums of revocation in order to be considered current. Any revocations of driving privileges will stay in effect until the validity of the driving record supplied by the employee is verified to be accurate. The immediate supervisor should immediately forward the original printout of the driving record to the Human Resources Department for verification. The Human Resources Department will check the validity of the driving record in a timely fashion. If the information determined through the Driver's License Check and Flagging Program is found to be in error, driving privileges will be reinstated if they have been revoked.~~

~~An employee may review their driving record as kept by the Human Resources Department. A request should be made in advance, when possible.~~

PPP # 205-00

Policy on Reporting Incidents Involving Property Loss or Personal Injury

PURPOSE

~~The purpose of this Policy is to establish the general rules to be followed by employees involved in or responding to incidents that result in property damage or personal injury, including motor vehicle accidents.~~

PRINCIPLES

~~Employees are responsible for reporting all such incidents to their immediate supervisors and for providing complete information and details necessary to complete appropriate reports.~~

~~Employees are responsible to report the location, nature of the incident, and any assistance needed, immediately after such incident to their immediate supervisors and secure such emergency services as may be appropriate.~~

~~PPP # 205-10~~

~~Procedure on Reporting Incidents Involving Property Loss or Personal Injury~~

~~PURPOSE~~

~~This Procedure implements the Policy on Reporting Incidents Involving Property Loss or Personal Injury (PPP# 205-00).~~

~~GENERAL RULES~~

~~Responsibilities~~Responsibilities

~~Employees are responsible for:~~

~~Summoning help to the scene of the incident as may be appropriate (fire, emergency medical, police, towing). When possible, a police report must be generated for every incident involving a City vehicle or private vehicle driven on official City business. This includes any incident on City property and any incident involving damage to City, public or property, or vehicles that exceed \$1,000 in estimated damages.~~

~~Notifying their immediate supervisors and informing them of their location and that of the incident as soon as possible.~~

~~Being courteous, cooperative, and responsive to all persons involved in the incident.~~

~~Making no statements as to who is at fault or how the damage or injury will be dealt with.~~

~~Getting the names, addresses and telephone numbers of all individuals involved in the incident and any individual witnessing the incident, and all other information that may be necessary for properly reporting the incident. Even though the police may file a police report, employees must obtain this information on their own.~~

~~Supplying all such pertinent information to their immediate supervisor to enable completion of appropriate claim forms and associated investigative reports. This information shall be supplied to their supervisors as soon thereafter as possible, but no later than the end of the working day in which an incident occurs. Information concerning incidents that occur after the normal business hours for that facility shall be supplied to the supervisor at or before the beginning of the next City workday. Incidents reported by citizens to employees shall be communicated to the supervisors immediately.~~

~~In the event of a vehicular accident that meets the Policy on Vehicle Safety Review definition of an "accident", the employee shall submit for alcohol/drug testing, in accordance with the Policy on Drugs and Alcohol (PPP# 190-00). The scope of this requirement includes all employees who operate a City vehicle or a private vehicle on official City business.~~

~~Immediate supervisors are responsible for:~~

~~Ensuring that appropriate action is taken relative to the incident.~~

~~Ensuring that employees involved in an incident comply with their responsibilities.~~

~~Investigating the incident.~~

~~Ensuring that appropriate claim forms and associated investigative reports are completed and are submitted to the Human Resources Department. Reports of incidents shall be completed and forwarded to the Human Resources Department by the end of the workday in which the incidents occur. Reports of incidents occurring after normal business hours shall be completed and forwarded to the Human Resources Department at the beginning of the next City workday. These required reports are available at www.rockvillemd.gov/claims.~~

~~Telephoning the Human Resources Department immediately in case of a fatality, any treatment requiring inpatient hospitalization, amputation, loss of an eye, multiple-person injury, or traffic accident in which one or more vehicles are not drivable after the accident. Any injuries that require an injured individual to be transported to a hospital in an ambulance shall also be reported to the Human Resources Department. Reports on the above listed types of serious incidents must be completed as soon as possible and hand-carried to the Human Resources Department immediately on the City's claims website at www.rockvillemd.gov/claims. Serious incidents occurring after normal business hours shall be reported to the Human Resources Department at the beginning of the next City workday.~~

~~Ensuring that vehicles involved in an accident are not moved until a police officer has investigated the accident. After that investigation, the City vehicles should be returned to their storage locations. If towing is necessary, it should be done through the City's Fleet Services Division's current policy.~~

~~Reporting all incidents involving theft of or vandalism to City property to the City Police Department.~~

~~The City Police Department shall forward to the Human Resources Department copies of all reports involving City property.~~

~~Ensuring that in the event of an accident necessitating alcohol/drug testing, the Safety and Risk Manager is contacted and the involved City driver is transported for immediate alcohol/drug testing.~~

~~*Human Resources Department is responsible for:*~~

~~Ensuring that all incidents involving property damage or personal injury are properly reported to and processed through the self-insurance fund City's insurers, or third-party administrators.~~

~~Sending copies of claim forms to appropriate Department Director Department Heads and/or supplying Department Director Department Heads with timely reports detailing claims that affect their departments.~~

~~Review of any alcohol/drug testing results and the facilitation of any appropriate corrective actions.~~

~~Reporting all work-related fatalities within 8 hours and all inpatient hospitalizations of one or more employees, amputations, or losses of an eye within 24 hours to the~~

~~Maryland Occupational Safety and Health (MOSH)~~



Mayor & Council Meeting Date: February 24, 2020
Agenda Item Type: Presentation
Department: Finance
Responsible Staff: Stacey Webster

Subject

Presentation of the Fiscal Year 2021 Proposed Operating Budget and Capital Improvements Program

Recommendation

Staff recommends that the Mayor and Council receive the presentation on the Proposed Fiscal Year 2021 Operating Budget and Capital Improvements Program.

Discussion

The FY 2021 Operating Budget and Capital Improvements Program reflects industry best practices by presenting all budget information in an easy-to-read, user-friendly format, with a focus on how the City is achieving the Mayor and Council's Critical Success Factors, and their overall vision for the community. Staff hope that the Mayor and Council and other key stakeholders find the FY 2021 budget document to be an effective policy document, financial plan, operations guide, and communications device.

Operating Budget Overview

The FY 2021 operating budget totals \$144.2 million for the City's 11 operating funds. This represents an overall increase of 3.8 percent from the FY 2020 adopted budget. Approximately 60 percent of the City's spending occurs in the tax-supported General Fund. The General Fund is the City's primary operating fund and is used to account for the City's activities that are not included in another fund. The total General Fund budget increased by 3.1 percent, from \$84.2 million to \$86.7 million.

Other major funds include the following City enterprise funds: Water, Sewer, Refuse, Stormwater Management, and Parking. Utility rates and other user fees charged to City households and businesses support the Water, Sewer, Refuse, and Stormwater Management funds. The City sets the rates for these utilities based on cash flow models that target specific cash levels after a certain period. The Parking Fund is supported by the special taxing district, parking meter, and parking violation revenue. For FY 2021, the stormwater management rate will remain flat (as approved in May 2019), while the refuse and recycling, water, and sewer rates will increase (water and sewer rate increases were approved in May 2018).

FY 2021 Budget Initiatives

The FY 2021 budget includes several significant funding commitments that are supported by the General Fund and the Enterprise funds. The items described below are the City Manager's top priorities based on Mayor and Council requests, staff recommendations, and input from the community. This list does not include annual contract increases and general increases in wages or overtime. These items represent changes of more than \$40,000 from the FY 2020 adopted budget to the FY 2021 proposed budget and they total \$2.4 million in new spending authority.

- **Increase for Regular Full Time Equivalent Positions (\$477,570)** – The FY 2021 budget includes a 7.0 net increase in the total number of regular full time equivalent (FTE) positions. The new FTEs include 3.0 FTEs in the Refuse Fund (refuse workers that were approved by the Mayor and Council via a December 2019 budget amendment) and a net 4.0 FTEs in the General Fund as presented in the proposed budget. The General Fund positions are budgeted in the departments of the City Manager (0.8 FTE Media Specialist and 1.0 FTE Arts and Culture Coordinator), Police (1.0 FTE Police Officer), Recreation and Parks (1.0 FTE Events Specialist and 0.2 FTE Senior Recreation Program Assistant), and Planning and Development Services (1.0 FTE Housing Specialist offset by the elimination of 1.0 FTE Senior Planner).
- **Minimum Wage (\$400,000)** – The General Fund personnel budget includes an additional \$400,000 in the Department of Recreation and Parks to support increasing wages for temporary employees. The County's minimum wage will equal \$14.00 for FY 2021, up from \$13.00 during FY 2020. During the FY 2018 budget process, the Mayor and Council directed staff to pay the City's temporary employees at rates comparable to the County, helping the City to remain competitive in the regional labor market. The \$400,000 increase is needed to keep pace with the new minimum wage and to address some of the compression impact of the rapidly rising minimum wage rate.
- **Radio System (\$369,200)** – The FY 2021 budget includes a total of \$369,200 for an upgraded radio system that supports the departments of Public Works and Recreation and Parks (non-Police). The cost of this system is split between the General, Water, Sewer, Refuse, and Stormwater Management funds. The \$369,200 funds the transition from a 40-year-old analog radio system to a modern digital system capable of voice, text, and GPS tracking. The total cost covers the one-time purchase of the base station, desktop units, vehicle units, and portables units, as well as the ongoing operating costs. This new system will improve employee safety and customer service, increase operational efficiencies, and help to protect the city in emergency situations.
- **Website Redesign and Setup (\$230,000)** – The General Fund budget includes a one-time appropriation of \$230,000 in the City Manager's Office for a custom, open source content management system that has the flexibility and adaptability to integrate with other City software solutions (e.g. ERP modules, GIS/ESRI). The website would be cloud hosted and maintenance would be handled by the procured vendor to reduce costs and for quality assurance. Full implementation of this new solution would range from 12 to

18 months. This new system will improve user experience and foster an increase in online civic engagement.

- **Smart Meters (\$153,380)** – The Parking Fund budget includes a one-time appropriation of \$153,380 in the Police Department for the upgrade of 300 parking meters to smart meters. Smart meters offer multiple customer-friendly payment options to include coins and credit and debit cards. Each meter is wireless and can provide the City with real-time usage data. This data will allow staff to more effectively analyze and manage the City’s Parking Meter Program. New meters will be installed in the high turnover/high usage areas of the city.
- **Water Treatment Plant Security Cameras and Access Control (\$133,000)** – The Water Fund budget includes a one-time appropriation of \$133,000 in the Department of Public Works to upgrade the current antiquated CCTV analog camera and access control systems at the Water Treatment Plant. Updating the video surveillance system to current standards will improve employee safety by providing modern Ethernet/IP protocols and the latest technology, compatibility with video systems servicing other City facilities, and most importantly, access by the Rockville Police Department. The surveillance system upgrade was recommended by the Department of Homeland Security in a recent inspection and report on the Water Treatment Plant site.
- **Operating Grant to Rockville Economic Development, Inc. (\$110,000)** – The General Fund budget includes additional funding of \$110,000 for the Rockville Economic Development, Inc. (REDI) operating grant in the City Manager’s Office. This increase covers \$60,000 in additional personnel expenditures for a new administrative support position, \$20,000 for business recruitment and retention efforts, and \$30,000 for marketing initiatives. Staff anticipates the Mayor and Council will incorporate these funding increases into the upcoming contract with REDI for the period beginning July 1, 2020.
- **Branding Consultant (\$100,000)** – The General Fund budget includes a one-time appropriation of \$100,000 in the City Manager’s Office for a branding consultant. The City last engaged a branding consultant approximately ten years ago. The project would include engaging the community and the current Mayor and Council in a new branding exercise during FY 2021. A consultant would lead the effort to gather community information and input, establish options for the Mayor and Council's consideration and support the Mayor and Council's decision-making process. Staff would engage the Mayor and Council in establishing the consultant’s specific scope of work in calendar year 2020.
- **Support for Compliance with America’s Water Infrastructure Act (\$86,520)** – The Water Fund budget includes a new appropriation of \$107,570 (offset by a reduction of \$21,050 in other funds) in the Department of Public Works for a temporary engineer

and consultant support associated with fulfilling the US Congress unfunded mandates for compliance with US EPA America's Water Infrastructure Act (AWIA). The AWIA has two components: 1) the Risk and Resilience Assessment (RRA) that includes natural hazards, malevolent acts, water infrastructure resiliency, monitoring practices, financial billing systems, chemical storage and handling, and operations and maintenance; and 2) the Emergency Response Plan that addresses the strategies and resources to improve resilience of the drinking water infrastructure, including physical security and cybersecurity. The consultant support is for the emergency response plan and the temporary engineer funding is for project management of the AWIA components. This hybrid approach will allow the City to become familiar with the assessment of the water systems and developing the emergency response plans, while realizing significant cost savings.

- **Rubber Track Skid Loader (\$80,200)** – The Stormwater Management Fund budget includes a new one-time appropriation of \$80,200 in the Department of Public Works for a rubber track skid loader to perform maintenance and repairs in grassy and wet areas, wooded areas, easements, and rights-of-way. This type of equipment is less invasive and is very effective for maintaining City structures, drain systems, rights-of-way, and other various easements.
- **Debris Grinder Pump (\$65,000)** – The Sewer Fund budget includes a new one-time appropriation of \$65,000 in the Department of Public Works for the installation of a debris grinder pump at the Horner's Lane Wastewater Pump Station. There has been an uptick in costly repairs to the pumps due to the intrusion of foreign matter. The installation of a debris grinder pump would prevent these costly repairs and cut down on overtime maintenance calls to the wastewater station.
- **Grant to Rockville Volunteer Fire Department (\$50,000)** – The General Fund includes another one-time payment of \$50,000 to the Rockville Volunteer Fire Department (RVFD) in the Mayor and Council Department to assist with the debt service payments on their replacement aerial truck. This funding is in addition to an ongoing grant of \$10,000 for the reimbursement of the RVFD's water bills.
- **Special Events (\$50,000)** – The General Fund budget includes an additional ongoing appropriation of \$50,000 for Citywide special events in the Recreation and Parks Department. This funding helps support areas like security, sound systems, and equipment/supplies (bathrooms, tents, table, chairs, signage, etc.) for events that are growing beyond current capacity.
- **Fall Protection Solutions (\$40,000)** – The General Fund budget includes a one-time appropriation of \$40,000 in the Department of Public Works for fall protection solutions at the Motor Vehicle Maintenance (MVM) building. Pursuant to federal regulations promulgated by the occupational safety and health administration (OSHA), the City is required to provide fall protection when workers are at-risk of falling when working at

elevations of four feet or more. At the MVM building employees regularly work on the top of equipment and vehicles more than four feet off the ground. The \$40,000 would cover the purchase of a monorail rigid lifeline system to be installed on the interior ceiling of the MVM building.

- **Urban Area Security Initiative Program Costs (\$40,000)** – The General Fund budget includes \$40,000 in ongoing funding in the Police Department for the cost of three programs previously supported by the Urban Area Security Initiative (UASI) grant. These programs are as follows: Automated Fingerprint Identification System (AFIS), License Plate Reader Program (LPR) and National Capital Region Geospatial Data Exchange (NCR). During the 2017/2018 regional solution development process, the Homeland Security Executive Committee determined the need to migrate these programs from the UASI grant to a regionally-funded model. As of July 2019, local jurisdictions are responsible for the full program costs. Montgomery County Police Department paid for Rockville’s program in FY 2020.

Capital Improvements Program (CIP) Overview

The FY 2021 CIP budget includes new funding of \$20.7 million to address the priorities of the Mayor and Council and residents of Rockville. This new funding combined with prior year carryover funding of \$50.7 million, supports a total of 53 capital projects in FY 2021. There are eight new projects presented in the budget, which are listed here along with a basic description. More information, including the total budget and timeline, can be found on the individual project sheets in the CIP Projects section of this document.

- **Promenade Park Elevator and Park Redesign (RC21)** – Promenade Park serves as a major thoroughfare between the Rockville Metro Station and the Town Center. This project consists of two phases: Phase I funds the design and reconstruction of the elevator by replacing and upgrading all major components, including a new passenger cab, controls, motors, and safety devices. The elevator provides ADA access to Monroe Street from the Promenade and the Rockville Metro Station. Phase II (currently unfunded) funds the design and renovation of Promenade Park. The park was originally built in 1998 as part of the Town Center Development.
- **Spray Park (RE21)** – This project funds the design and construction of a spray park within Maryvale Park based on a request received from the East Rockville Civic Association. A neighborhood advisory team would assist in the design of this amenity. Bathroom facilities and water/sewer infrastructure would be required for this project.
- **Traffic Signal at E. Middle Lane/Helen Heneghan Way (TF21)** – This project constructs a new traffic signal at the intersection of E. Middle Lane and Helen Heneghan Way, including designing the traffic signal and installing a traffic signal cabinet, accessible pedestrian signals, handboxes, wire, poles, signal heads, conduits, and vehicle detection devices. The project removes existing flashing beacons at this intersection, closing the

existing median opening at E. Middle Lane/Monroe Street and removing the crosswalk at this location.

- **Traffic Signal Upgrades (TG21)** – This project designs and constructs traffic signal rehabilitation and intersection modifications at Wootton Parkway/Hurley Avenue, Nelson Street/Mannakee Street, and Wootton Parkway/Tower Oaks Boulevard. Upgrades include designing traffic signals, reconstructing medians and concrete islands, and replacing traffic signal equipment such as traffic signal cabinets, poles, signal heads, detection loops, span wires, conduits, and other signal related equipment.
- **Commercial Water Meter Replacements (UB21)** – This project plans, designs, and constructs commercial water meter replacements and other elements of the City's aging water metering system. Tasks include inspections and rehabilitation of vaults, piping, valves, and appurtenances, and the implementation of advanced metering infrastructure (AMI). This project is for meters 3-inches and larger, which equates to approximately 700 water meters and vaults.
- **Core Financial, HR, & Procurement ERP (GA21)** –This project includes the analysis, purchase, and implementation of a comprehensive Financial, HR, and Procurement Enterprise Resource Planning (ERP) system for the City. The City has funded a consultant in the IT operating budget to provide guidance on a variety of IT projects, including refining this project's scope and identifying resources needed.
- **Data Center and Disaster Recovery Infrastructure (GB21)** – This project (currently unfunded) will make significant Data Center improvements and enhancements by giving access to more computing power and storage space as part of the seven year replacement cycle for Data Center infrastructure. The result will be improved performance and responsiveness of City systems; simplified operational and maintenance activities; quick disaster recovery; reduced carbon footprint; and a smaller, denser, more efficient and reliable Data Center.
- **Financial System Upgrade (GC21)** – This project includes funding to upgrade the City's current financial system to a supported, more user-friendly interface. This project is an interim solution that will keep the City operational until resources are available for the new Core Financial, HR, and Procurement ERP (GA21) project. The last financial system upgrade took place in FY 2016.

The CIP budget is funded by various sources, including paygo and proceeds from the issuance of general obligation bonds. The FY 2021 through FY 2025 CIP includes a new bond issue of \$7.9 million in FY 2024 for the Outdoor Recreation Pool Renovations (RC18) project. Capital bond issues are also planned for the Water and Sewer funds over this five year period. More information on the future bond issues can be found in the Financial Summaries section.

In addition to the capital funding needed to complete a CIP project, many projects require ongoing funding to operate or maintain the completed project. Ongoing operating cost impacts must be considered when determining if and when to include a particular project in the CIP. For FY 2021, a total of \$248,480 was added to the operating budget as a result of current projects. Most of this funding supports the following projects: Skate Park (RJ16), Swim and Fitness Center Locker Room (RK16), and the Maintenance and Emergency Operations Facility Improvements (GD19).

Budget Availability

The FY 2021 Operating Budget and Capital Improvements Program is available online at www.rockvillemd.gov/budget as of February 19, 2020. Also on the website is a link to the Excel version of the budget, which details the budget in a line item format.

Mayor and Council History

Date	Action Item
December 9, 2019	Mayor and Council Budget Worksession
December 16, 2019	Budget Public Hearing
January 13, 2020	Budget Public Hearing
February 3, 2020	Discussion of Budget Survey Results and Priorities

Public Notification and Engagement

There are an additional two public hearings related to the FY 2021 budget scheduled for March 2, 2020 and March 23, 2020. In addition to these public hearings, the public can submit comments about the budget via an online survey located on the City's website at www.rockvillemd.gov/budget.

The FY 2021 budget public record closes on April 17, 2020.

Next Steps

Future Mayor and Council actions related to the FY 2021 budget include:

Date	Action Item
March 2, 2020	Budget Public Hearing; Budget Worksession
March 23, 2020	Budget Public Hearing; Budget Worksession
April 17, 2020	Close of Budget Public Record
April 20, 2020	Budget Worksession
May 4, 2020	Adoption of FY 2021 Budget Ordinance; Adoption of FY 2021 Refuse Resolution


Rob DiSpirito, City Manager 2/19/2020



Mayor & Council Meeting Date: February 24, 2020
 Agenda Item Type: Introduction
 Department: Finance
 Responsible Staff: Stacey Webster

Subject

Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2021

Recommendation

Staff recommends that the Mayor and Council introduce the Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2021.

Change in Law or Policy

Adoption of the operating and capital improvements program (CIP) budgets will require passage of the standard budget ordinance. This budget ordinance is scheduled to be introduced on February 24, 2020, with adoption scheduled for May 4, 2020.

Discussion

The attached draft ordinance is provided for introduction purposes only. As in prior years, this ordinance will undergo changes prior to adoption in May. This ordinance includes proposed real and personal property tax rates, as well as appropriated amounts by fund for the FY 2021 operating budget and CIP. The ordinance also includes language committing \$450,000 in unassigned fund balance for a retiree cost of living adjustment to be applied January 1, 2021, and \$300,000 for master planning of the RedGate property.

General Fund Tax Rates and Tax Credits

The Mayor and Council establish the tax rates each year in order to finance General Fund activities. For FY 2021, the City's real property tax rate is proposed to remain unchanged at \$0.292 per \$100 of assessed value. The personal property tax rate is proposed to remain unchanged at \$0.805 for every \$100 of assessed value. In FY 2021, total property taxes are budgeted to generate \$44.2 million, or approximately 51 percent of the City's General Fund budget.

Estimated FY 2021 property tax revenue includes the City's supplement to the State of Maryland's Homeowners' Property Tax credit program. The Homeowners' Tax Credit Program is a State-administered program that provides real property tax credits to low- to moderate-income residents for property taxes due on their principal residence. For FY 2021, households with gross incomes up to \$91,000 per year and a household net worth of less than \$200,000

(not including the value of the home and qualified retirement savings) could qualify for tax relief on the first \$495,000 of their home's assessed value. For low-income households, the credit could be several hundred dollars with the maximum credit totaling the City tax due on the first \$495,000 of assessed value.

Parking District Tax Rate

In order to support the debt service costs of the three City-owned garages in Town Square, the Town Center Parking District was formed in 2007. The Parking District is a special taxing district that levies a real property tax on the commercial properties within the Town Square boundaries. The FY 2021 Parking District tax rate is proposed to remain flat at \$0.33 per \$100 of assessed value.

Mayor and Council History

Date	Action Item
December 9, 2019	Mayor and Council Budget Worksession
December 16, 2019	Budget Public Hearing
January 13, 2020	Budget Public Hearing
February 3, 2020	Discussion of Budget Survey Results and Priorities

Public Notification and Engagement

There are an additional two public hearings related to the FY 2021 budget scheduled for March 2, 2020 and March 23, 2020. In addition to these public hearings, the public can submit comments about the budget via an online survey located on the City's website at www.rockvillemd.gov/budget.

The FY 2021 budget public record closes on April 17, 2020.

Fiscal Impact

The proposed real and personal property tax rates and the appropriated amounts by fund for the FY 2021 operating budget and CIP are included in the attached ordinance (Attachment A).

Next Steps

Future Mayor and Council actions related to the FY 2021 budget include:

Date	Action Item
March 2, 2020	Budget Public Hearing; Budget Worksession
March 23, 2020	Budget Public Hearing; Budget Worksession
April 17, 2020	Close of Budget Public Record
April 20, 2020	Budget Worksession
May 4, 2020	Adoption of FY 2021 Budget Ordinance; Adoption of FY 2021 Refuse Resolution

Attachments

Attachment 15.a: AttachA_BudgetOrdinance_Feb2020 (PDF)


Rob DiSpirito, City Manager 2/19/2020

ORDINANCE NO. _____

ORDINANCE: To Appropriate Funds
and Levy Taxes for
Fiscal Year 2021.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE,
MARYLAND** as follows:

SECTION I - ANNUAL OPERATING APPROPRIATIONS

There are hereby appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021, out of the revenues accruing to the City for the purpose of operations, the several amounts hereinafter listed under the column designated "Amounts Appropriated":

FUNDS	AMOUNTS APPROPRIATED
General Fund	\$86,860,000
Water Fund	\$15,020,390
Sewer Fund	\$17,015,230
Refuse Fund	\$7,555,420
Parking Fund	\$2,817,090
Stormwater Management Fund	\$6,133,300
RedGate Golf Course Fund	\$103,240
Special Activities Fund	\$1,568,120
Community Development Block Grant	\$263,000
Speed Camera Fund	\$1,458,000
Debt Service Fund	\$5,408,700

The "Amounts Appropriated" by this section totaling \$144,202,490 shall be for the annual operating expenses of the departments and agencies of the City and shall be disbursed under the supervision of the City Manager.

ORDINANCE NO. _____

Page 2

SECTION II - CAPITAL PROJECTS APPROPRIATIONS

There is hereby appropriated out of the revenues accruing to the City for the purpose of capital improvements, the several amounts hereinafter listed under the column designated

"Amounts Appropriated":

FUNDS	AMOUNTS APPROPRIATED
Capital Projects Fund	\$38,378,997
Water Fund	\$9,553,311
Sewer Fund	\$4,814,822
Refuse Fund	\$533,345
Stormwater Management Fund	\$13,616,436
Special Activities Fund	\$3,935,554
Speed Camera Fund	\$539,119

The "Amounts Appropriated" by this section totaling \$71,371,584 shall be for improvement projects and shall be disbursed under the supervision of the City Manager.

SECTION III - GENERAL LEVY

There is hereby levied against all assessable real property within the corporate limits of the City a tax at the rate of twenty-nine and two-tenths cents (\$0.292) on each \$100 of assessable value of said property. There is also hereby levied, against all assessable personal property within the corporate limits of the City, a tax at the rate of eighty and one-half cents (\$0.805) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the

ORDINANCE NO. _____

Page 3

"Amounts Appropriated" as set forth in the foregoing Section I. The tax levies herein provided in this section shall not apply to property in the City of Rockville to the extent that such property is not subject to taxes as provided in any valid and binding annexation agreement.

SECTION IV – TOWN CENTER PARKING DISTRICT LEVY

There is hereby levied against all assessable non-exempt real property within the Town Center Parking District a tax at the rate of thirty-three cents (\$0.33) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the "Parking Fund" as listed in the "Amounts Appropriated" in Section I.

SECTION V – TOWN SQUARE STREET AND AREA LIGHTING DISTRICT LEVY

There is hereby levied against all assessable real property within the Town Square Street and Area Lighting District a tax at the rate of zero cents (\$0.00) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the "Town Center Management District Fund" as listed in the "Amounts Appropriated" in Section I.

SECTION VI – TOWN SQUARE COMMERCIAL DISTRICT LEVY

There is hereby levied against all assessable commercial real property within the Town

ORDINANCE NO. _____

Page 4

Square Commercial District a tax at the rate of zero cents (\$0.00) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the “Town Center Management District Fund” as listed in the “Amounts Appropriated” in Section I.

SECTION VII – RESERVES

There is hereby committed \$450,000 in General Fund unassigned fund balance to support a one percent cost of living adjustment for retirees effective January 1, 2021, and \$300,000 for master planning of the RedGate property.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of

Sara Taylor-Ferrell, City Clerk/Director of Council Operations

Attachment 15.a: AttachA_BudgetOrdinance_Feb2020 (2901 : Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal



Mayor & Council Meeting Date: February 24, 2020
Agenda Item Type: Introduction
Department: Finance
Responsible Staff: Stacey Webster

Subject

Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts Pursuant to Section 20-6 of the Rockville City Code

Recommendation

Staff recommends that the Mayor and Council introduce the Resolution to establish the service charge rate for Municipal Refuse Collection and to establish a charge for unreturned refuse and recycling carts pursuant to Section 20-6 of the Rockville City Code.

Change in Law or Policy

Setting the refuse rate for FY 2021 requires the passage of the attached resolution. This resolution is scheduled to be introduced on February 24, 2020, with adoption scheduled for May 4, 2020.

Discussion

The Refuse Fund accounts for the financial activity associated with the collection and disposal of residential recycling, refuse, and yard waste. The City currently operates a semi-automated once per week refuse pickup and a single stream recycling program. The FY 2021 rate is proposed to increase by 3.6 percent to \$461 per residential property per year.

Due to some changes in the recyclables market, the City is evaluating options for the future of the City's recycling program, with the possibility of transitioning to a more affordable dual stream system. More information will be presented to the Mayor and Council during the FY 2021 budget deliberations.

Included in the proposed CIP is a project to assist with the transfer of recyclable materials from City property to the contract transport vehicles. The intent of this project, Gude Yard Recycle Transfer Enclosure (GC19), is to move the transfer work under cover, provide fire suppression, and limit the amount of windblown debris originating from the City's maintenance complex. This project, estimated at approximately \$533,000, would not be needed under a dual stream recycling system.

Mayor and Council History

Date	Action Item
December 9, 2019	Mayor and Council Budget Worksession
December 16, 2019	Budget Public Hearing
January 13, 2020	Budget Public Hearing
February 3, 2020	Discussion of Budget Survey Results and Priorities

Public Notification and Engagement

There are an additional two public hearings related to the FY 2021 budget scheduled for March 2, 2020 and March 23, 2020. In addition to these public hearings, the public can submit comments about the budget via an online survey located on the City's website at www.rockvillemd.gov/budget.

The FY 2021 budget public record closes on April 17, 2020.

Fiscal Impact

The proposed FY 2021 operating budget for the Refuse Fund equals \$7,555,420 and the FY 2021 CIP budget equals \$533,345. The proposed budget is based on a refuse rate of \$461 per year.

Next Steps

Future Mayor and Council actions related to the FY 2021 budget include:

Date	Action Item
March 2, 2020	Budget Public Hearing; Budget Worksession
March 23, 2020	Budget Public Hearing; Budget Worksession
April 17, 2020	Close of Budget Public Record
April 20, 2020	Budget Worksession
May 4, 2020	Adoption of FY 2021 Budget Ordinance; Adoption of FY 2021 Refuse Resolution

Attachments

Attachment 16.a: AttachA_Refuse_Feb2020 (PDF)



Rob DiSpirito, City Manager

2/19/2020

Resolution No. _____

RESOLUTION: To Establish the Service Charge Rate - Municipal Refuse Collection and to establish a charge for unreturned refuse and recycling carts

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that in accordance with Section 20-6 of the "Rockville City Code", the following service charge rate for municipal refuse collection service is hereby established:

\$461.00 per single-family residence per year

AND BE IT FURTHER RESOLVED, that said amount shall be levied and collected in all respects in the same manner as regular taxes are collected, and unpaid refuse bills shall be a lien on the property served;

AND BE IT FURTHER RESOLVED, that the aforementioned service charge rate, as established above, shall take effect on July 1, 2020;

AND BE IT FURTHER RESOLVED, that said service charge may not be reduced or suspended for reason of property vacancy or for any other reason;

AND BE IT FURTHER RESOLVED, that in accordance with regulations approved pursuant to Section 20-7 of the "Rockville City Code," the following charges are hereby established for refuse and recycling carts that are not available for the City to pick up after a residence has been vacated:

32 gallon cart	\$39.87
48 gallon cart	\$42.87
64 gallon cart	\$44.87
96 gallon cart	\$50.20

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council of Rockville at its meeting of

Sara Taylor-Ferrell, City Clerk/Director of Council Operations

Attachment 16.a: AttachA_Refuse_Feb2020 (2902 : Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse



Mayor & Council Meeting Date: February 24, 2020
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Action Report

Recommendation

Staff recommends that the Mayor and Council review and comment on the Action Report.

Attachments

Attachment 17.A.a: MC Action Report Master 2020 _REVISED (DOC)

A handwritten signature in black ink, appearing to read "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

2/18/2020

Blue - new items to the list.

Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2014-23	9/8/11	R&P	Future agenda	King Farm Farmstead Status: Responses to a request for information (RFI) on potential future uses of the Farmstead were shared with the Mayor and Council on January 24, 2020. The responses will be discussed during a March 2020 meeting.	Ongoing
2015-14	7/13/15	CMO	Future agenda	Purchasing Study Response Status: An update on the Procurement Action Plan was shared on January 27, 2020. Another update will be provided in July 2020.	Ongoing
2016-12	9/26/16	HR	Future agenda	Vacancy Report Provide a Vacancy Report to the Mayor and Council at the end of each Quarter. Status: The Fiscal Year 2020 second quarter report was shared on January 27, 2020 meeting. The next report will be shared with the Mayor and Council on April 20, 2020.	2020
2016-16	10/10/16	PDS	Future agenda	Global Issues on BRT Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. Status: County transportation is studying alternatives to identify a recommended alternative for design of the MD 355 route. A recommended alternative for the Viers Mill route was selected. The project is funded for preliminary design in the County Budget for FY23.	Ongoing
2016-18	10/24/16	PDS	Future agenda	FAST – Faster, Smarter, More Transparent (Site Plan/Development Review Improvements) Provide regular updates on the status of the work. Status: A FaST update was provided to the Mayor and Council on November 18, 2019. PDS staff is working on a follow up memo to present to Mayor and Council at a future meeting.	Ongoing

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2017-6	2/27/17	CMO	Email	<p>Minority-, Female- & Disabled-Owned Businesses Provide updates on the Procurement Division’s activities to engage and support minority-, female- and disabled-owned businesses.</p> <p>Status: The next update will be on April 20, 2020.</p>	Ongoing
2017-11	6/12/17	R&P	Agenda item	<p>Deer Population in Rockville Continue to monitor the deer population. Consider action steps and gather community input.</p> <p>Status: The Mayor and Council directed staff to implement the pilot deer culling program. Staff will bring required changes to the City Code for Mayor and Council for approval.</p>	September- November 2020
2018-1	1/22/18	Finance	Action Report	<p>Utility Billing System Provide updates on the replacement of the Velocity Payment System, powered by Govolution.</p> <p>Status: Contracts are in place, a kick off meeting was held and implementation underway, with estimated completion in July 2020.</p>	July 2020
2018-7	6/18/18	CMO	Agenda Item	<p>LGBTQ Initiatives Identify and implement Mayor and Council suggestions.</p> <p>Status: R-zone signs were installed and all employees have completed “The Respectful Workplace” training.</p> <p>An update on the status of gender-neutral bathroom installation was emailed to the Mayor and Council on August 13. Staff provided the Mayor and Council a prioritized list of outstanding gender-neutral bathroom installations, and comments about a timeline for those installations, by e-mail on November 21, 2019. This topic was discussed in the context of the FY21 budget at the February 3 Mayor and Council meeting.</p>	Ongoing

Attachment 17.A.a: MC Action Report Master 2020 _REVISED (2991 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2018-8	6/18/18	CMO/RCPD /R&P	Town Meeting	<p>Opioid Town Meeting Schedule a Town Meeting on the opioid crisis, to include prevention, enforcement and treatment.</p> <p>Status: Rockville Goes Purple Committee members met with high school principals on November 6, 2019 to gather input on Rockville Goes Purple collaborating with the schools on prevention efforts. A Rockville Goes Purple Committee meeting was held to discuss the principals' input on December 3. A subset of the committee will work on a strategic plan for the coming year.</p>	Ongoing
2018-11	8/1/18	PDS	Agenda Item	<p>Neighborhood Shopping Centers Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses</p>	Summer 2020
2018-15	10/8/18	PDS	Future Agenda	<p>Short-Term Residential Rentals Discuss how to manage short-term residential rentals' (e.g., Airbnb) impact on city neighborhoods and explore options for taxing users.</p> <p>Status: Short-term residential rentals was discussed on January 13. Mayor and Council asked staff to do additional research and asked that a public hearing be held at a future date.</p>	Fall 2020
2018-19	10/15/18	HR	Future Agenda	<p>Volunteer Program Discuss whether the Mayor and Council want to direct the City Manager to create a centralized volunteer program.</p> <p>Status: A report on the number of volunteers and volunteer hours for the first half of FY20 was provided on the January 13, 2020 agenda. The next update will be on the August 10, 2020 agenda.</p>	August 10, 2020
2019-1	10/29/18	PDS	Future Agenda	<p>Accessory Structures</p> <p>Status: The Mayor and Council authorized the filing of a Zoning Text Amendment on April 8. A workshop was held on May 29th for the public to learn more about these proposed regulations. A public hearing was held on July 15 and October 7, 2019. Discussion and Instruction was held on September 16, 2019. Mayor and Council and staff determined that there are outstanding issues to continue flushing out and to discuss further at a future meeting. This topic will be discussed at the April 20, 2020 meeting.</p>	April 20, 2020

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-2	2/25/19	R&P/PDS/ CMO	Future Agenda	<p>RedGate Golf Course Property</p> <p>Master Planning – Prepare a scope of work for a master planning consultant. Status: A proposed scope of work for master planning the property was discussed during the February 3 Mayor and Council meeting. A draft scope of work will be discussed at the March 23 Mayor and Council meeting. The Recreation and Parks Strategic Plan will be discussed on March 23, with the strategic plan results required to be reflected in any master plan of the property.</p> <p>Veterans Home – Consider the proposed partnership with the Maryland Veterans Administration to establish a home for veterans at the Redgate property.</p>	<p>March 23, 2020</p> <p>TBD</p>
2019-3	10/29/18	CAO	Memo	<p>Ethics Provide list of the companies that the City does business with, so that the Mayor and Council can complete required financial disclosures by April 30, 2019</p> <p>Status: The Mayor and Council adopted amendments to Chapter 16 – Public Ethics on January 6, 2020. Staff provided a list of City vendors the week of February 10 for reference in completing Financial Disclosure Statements.</p>	Completed
2019-4	3/25/19	PDS	Future Agenda	<p>Business Improvement Districts (BIDs) and Tax Increment Financing (TIF) Discussion of potential City uses of BIDs and TIFs</p> <p>Status: This item will be included on a May or June Mayor and Council agenda.</p>	June 1, 2020
2019-7	4/1/19	R & P	Memo	<p>Child Care Services Discuss city provision of child care services (history of the current program, community need for the service, private sector market, expansion to additional Rockville locations).</p> <p>Status: This item was discussed on September 9, 2019. Staff answered questions about child care cost recovery by email the week of October 14, 2019. A worksession discussion occurred on November 25, 2019. Additional information was provided via e-mail to the Mayor and Council on November 26, 2019. Staff is preparing a strategy to follow up on the worksession discussion.</p>	Summer 2020

Attachment 17.A.a: MC Action Report Master 2020 _REVISED (2991 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-9	4/1/19	HR	Memo	<p>Reduction in Force (RIF) Policy Prepare a Reduction in Force (RIF) policy, to be incorporated in the Personnel Policy and Procedures Manual update.</p> <p>Status: Mayor and Council will receive an updated RIF policy in the revised Personnel Manual by January 31, 2020, for discussion on February 24.</p>	February 24, 2020
2019-10	4/1/19	HR	Email	<p>Personnel Policy and Procedures Manual Update Share an update on the status of this effort.</p> <p>Status: The draft revised manual will be distributed to Mayor and Council on January 31, 2020 and placed on the February 24 agenda for discussion.</p>	February 24, 2020
2019-11	4/1/19	HR	Future Agenda	<p>Retirement Incentive/Employee Buyout Program Provide information about employee buyout programs and discuss the potential for a Rockville program.</p> <p>Status: Director of Finance provided an update to the Mayor and Council via email on May 3, 2019.</p>	Summer 2020
2019-12	4/1/19	Police	Future Agenda	<p>Parking Enforcement at Street Meters Share an overview of Rockville’s current program and how other local jurisdictions handle parking enforcement at street meters, including hours of enforcement.</p> <p>Status: Parking meter operations was a component of the Mayor and Council’s parking discussion on July 15th, 2019. Staff will continue to discuss this topic with FRIT and will keep the Mayor and Council informed as developments occur.</p>	Ongoing
2019-14	6/3/19	PDS	Future Agenda	<p>Voluntary Rent Increases Discuss City guidelines for rent increases instituted by landlords.</p> <p>Status: This topic is on the March 2 meeting agenda.</p>	March 2, 2020

Attachment 17.A.a: MC Action Report Master 2020 _REVISED (2991 : Action Report)

Ref. #	Meeting Date	Staff/Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-15	9/16/19	CMO	Future Agenda	<p>County Bill 24-19 Landlord Tenant Relations –Obligations of Landlord— Air Conditioning Monitor County Council consideration of the Bill.</p> <p>Status: Staff shared an e-mail update on Bill 24-19 on December 3, 2019. Staff will inform the Mayor and Council of the date when the Council will begin its consideration of Bill 24-19. Staff sent an email update which stated that on January 21, County Council voted unanimously to defer action on Bill 24-19 and consider amendments. The County Council plans to vote on the bill on February 25.</p>	February 25, 2020
2019-16	9/16/19	CMO	Future Agenda	<p>County Bill 29-19 Health and Sanitation – Electronic Cigarettes— Distribution; Resolution to Adopt Bill 29-19 as a Board of Health Regulation; Zoning Text Amendment 19-06 Vape Shops Monitor County Council consideration of the Bill, Resolution, and Text Amendment</p> <p>Status: A Public hearing was held on November 5, 2019. On November 25, 2019, the Health and Human Services Committee discussed and approved the bills. The bills, to be considered by the full Montgomery County Council after the new year (TBD), include:</p> <ul style="list-style-type: none"> • Bill 29-19 – Health and Sanitation–Electronic Cigarettes; • Bill 31-19 – Health and Sanitation–Electronic Cigarettes – Distribution-Use and Possession; and • Bill 32-19–Health and Sanitation- Flavored Electronic Cigarettes. <p>On December 9, the Mayor and Council approved a letter in support of the County vaping legislation. Staff is checking the County’s agendas and will provide information as soon as it is available.</p>	TBD
2019-19	12/16/2019	City Clerk/Director of Council Operations	Worksession	<p>Boards and Commissions Task Force Work Session – Continue the Mayor and Council’s discussion of the Boards and Commission Task Force (BCTF).</p> <p>Status: The Mayor and Council will discuss the BCTF’s top four recommendations during a regular meeting on April 20, 2020. Additional BCTF report items will be taken up at a worksession, tentatively scheduled on June 22.</p>	Tentative June 22

Attachment 17.A.a: MC Action Report Master 2020 _REVISED (2991 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-20	12/16/2019	City Clerk/Director of Council Operations	Meeting	Post-Election Presentation – The community meetings about the 2019 election were held on January 30 and February 8. A Board of Supervisors of Elections report to the Mayor and Council on the 2019 election is scheduled for March 2.	March 2, 2020
2020-01	1/6/2020	Police	Future Agenda	Emergency Management Program – Receive an update from the Emergency Manager on the city’s emergency management program and activities. Status: The update is scheduled on the Mayor and Council’s April 20th agenda.	April 20, 2020
2020-02	1/13/2020	CMO	Memo and Future Agenda	5G Wireless Technology - Collect information on the Westminster, MD fiber network and any information that the Maryland Municipal League (MML) has collected on alternatives to 5G. Status: Staff will provide the requested information in February 2020 and will seek Mayor and Council guidance on the content of any subsequent discussion on agenda. The City Attorney’s Office will provide legal advice related to 5G technology on February 24, 2020. A Zoning Text Amendment related to small cell wireless technology will be on the Mayor and Council’s March 23, 2020 agenda.	March 2020
2020-03	1/13/2020	DPW	Memo and Future Agenda	Climate Change Efforts - Brief the Mayor and Council on City efforts related to climate change. Status: Staff is preparing a memo describing the City activities underway and the areas that require direction from the Mayor and Council. Based on that background information and any other specific topics requested by the Mayor and Council, staff will schedule a discussion on a future agenda.	TBD
2020-04	1/13/2020	Police	Memo and Future Agenda	Drones and Public Safety – Explore potential public safety issues associated with drones and how the City could consider monitoring, regulating and penalizing criminal activity.	Summer or Fall 2020
2020-05	1/13/2020	R&P	Email	Americans with Disabilities Act – Provide information about the City’s work to ensure compliance with ADA requirements at City facilities. Status: Staff provided initial information via email to the Mayor and Council on January 17, 2020. Funding for ADA-related projects will be included in the FY21 proposed budget.	February 2020

Attachment 17.A.a: MC Action Report Master 2020_REVISED (2991 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-07	1/13/2020			<p>Affordable Housing Goals - Discuss Rockville’s strategy to meet the affordable housing goals established by the Metropolitan Washington Council of Governments (COG).</p> <p>Status: The Mayor and Council kicked off their discussions of affordable housing on February 3. The Mayor and Council kicked off their discussions of affordable housing on February 3, 2020. Two items related to affordable housing will come before the Mayor and Council in March 2020:</p> <ul style="list-style-type: none"> • A resolution to establish a maximum rate of rent increase, • An amendment to the MPDU regulations to provide clarifying language on affordability structuring for the homeownership component of the MPDU Program. 	Ongoing
2020-08	1/27/2020	CMO/PDS/Finance/DPW	Worksession	<p>Town Center – Follow up on Mayor and Council direction from the Town Hall meeting and Urban Lane Institute (ULI) report.</p> <p>Parking – Explore improvements to parking in Town Center Status: CMO met with the new FRIT Executive on December 11, 2019. Status: Staff is continuing discussions with the new FRIT Executive and will keep the Mayor and Council informed of progress on parking issues.</p> <p>Town Center Road Diet – Study and report to Mayor and Council on suggestions in the TAP report and discussion at the Mayor and Council’s TAP worksession. Status: Public Works examination of options is underway. Funding will be identified for a consultant to continue the examination in FY20.</p> <p>Real Estate/Broker/Economist Assessment – In the context of the next update on the ULI recommendations, invite industry experts to dialogue on competitive challenges to Town Center</p> <p>Undergrounding of Route 355 – Revisit the information provided to the Mayor and Council, including community impacts</p>	Ongoing
2020-09	1/27/2020	DPW	Future Agenda	<p>Corridor Cities Transitway – provide background information to facilitate the current Mayor and Council taking an official position on the CCT route</p>	TBD

Attachment 17.A.a: MC Action Report Master 2020_REVISIED (2991 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-10	1/27/2020	DPW	Future Agenda	I-270 widening – Establish a strategy for collaborating with the State. Status: City staff and State staff are meeting on February 15. City staff will use information collected to draft parameters for negotiating an MOU with the State for Mayor and Council discussion and instructions.	TBD
2020-11		PDS	Future Agenda	Annexation Options – Discuss annexation options.	TBD

CLOSED/COMPLETED

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline



Mayor & Council Meeting Date: February 24, 2020
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Future Agendas

Recommendation

Attachments

Attachment 18.A.a: 03.02.20 Mock Agenda (DOC)

Attachment 18.A.b: Future Agendas 02.24.2020 (XLS)

A handwritten signature in black ink that reads "Sara Taylor-Ferrell".

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 2/19/2020



MAYOR AND COUNCIL

MEETING NO.

Monday, March 2, 2020 – 7:00 PM

MOCK AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

6:00 PM – Administrative Function – Open Meetings Act

- 7:00 PM 1. **Convene**
2. **Pledge of Allegiance**
- 7:05 PM 3. **Agenda Review**
4. **City Manager's Report**
- 7:10 PM 5. **Proclamation**
- A. **Proclamation Declaring March 2020 as Women's History Month**
- 7:15 PM 6. **Community Forum**
- Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.
7. **Mayor and Council's Response to Community Forum**
- 7:30 PM 8. **FY 2021 Budget Public Hearing**
- 8:15 PM 9. **Consent**

- A. Adoption of Resolution to Establish Maximum Rate of Rent Increase, as Required Under Chapter 18 Section 18-194 of the Rockville City Code Entitled "Voluntary Rent Guidelines and Notice Requirements of Rent Increases."

- 8:20 PM 10. Board of Supervisors of Elections - 2019 Vote by Mail Election Presentation
- 9:10 PM 11. Compensation & Classification Study Presentation
- 9:50 PM 12. Fiscal Year 2021 Mayor and Council Budget Worksession
- 11:30 PM 13. Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #27-19 to Appropriate Funds and Levy Taxes for Fiscal Year 2020 (Budget Amendment #2)
- 11:45 PM 14. Review and Comment - Mayor and Council Action Report
15. Review and Comment - Future Agendas
16. Old/New Business
- 12:00 AM 17. Adjournment

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.

Future Agendas
Tentative as of 2/24/2020

Meeting : 03/23/20 07:00 PM (14 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Appointments and Reappointments	5	Boards and Commissions Appointments and Reappointments
Public Hearing	45	FY 2021 Budget Public Hearing
Work Session	90	Fiscal Year 2021 Mayor and Council Budget Worksession
Discussion and Instructions	60	Discussion of Compensation and Classification Study
Discussion	30	RedGate Master Planning: Discussion of Refined Scope of Work
Consent	5	An Amendment to the MPDU Regulations to Provide Clarifying
Discussion, Instructions and Possible Adoption	30	5G Zoning Text Amendment
Public Hearing	5	Development Fee Updates
Consent	5	Award of IFB #01-20, Scott Drive and Crofton Hill Lane Bridge Rehabilitation, to Concrete General, Inc. in the Amount Not to Exceed \$460,906
Award	5	Award of Temporary Labor and Staffing Services to (Vendors) in the Amount Not to Exceed \$Xxx
Consent	5	Award of SourceWell (NJPA) Rider Contract #081716-NAF
Proclamation	5	Proclamation Declaring March 28, 2020, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2020, as Earth Day
Presentation and Discussion	60	Presentation and Discussion of the Recreation and Parks Strategic Plan
Proclamation	5	Arbor Day Proclamation
Total Meeting Time (in Hours)	5 HRS 55 MINS	
Meeting : 04/20/20 07:00 PM (7 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion and Instructions	40	Boards and Commissions Task Force Priority Recommendations

Future Agendas
Tentative as of 2/24/2020

Authorization	5	Authorize the City Manager to Execute the Seventh Amendment to the Interim Management Agreement Between the Mayor and Council of Rockville and Street Retail, Inc. (Herein Referred to as "FRIT") to Temporarily Manage the Town Square Commercial District and the Town Square Street and Area Lighting District (Collectively, the "Town Square Management District") and the Plaza at Rockville Town Square
Work Session	60	Worksession with the REDI Board of Directors about the Memorandum of Understanding Between REDI and the Mayor and Council
Work Session	60	FY 2021 Mayor and Council Budget Worksession
Authorization	30	Authorization to File Zoning Text Amendment for Parkland Dedication
Discussion and Instructions	30	Discussion and Instructions to Staff on Zoning Text Amendment Application TXT2019-00254, to Revise the Development Standards for Accessory Buildings in the Residential Zones, and for Accessory Buildings Located in Both the MXT (Mixed-Use Transition) and HD (Historic District) Zones; Mayor and Council of Rockville, Applicant
Recognition	10	Recognition of the Student Delegation from Theodor Heuss Schule
Total Meeting Time (In Hours)	3 HRS 55 MINS	
Meeting : 04/27/20 07:00 PM (6 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion and Instructions	45	Strategy for Collecting and Using Community Survey Data
Presentation	20	FY19 Minority, Female, Disabled-Owned Businesses Program Update
Presentation	15	Presentation of the Environmental Excellence Awards by the Environment Commission
Presentation and Discussion	60	Vision Zero Plan Presentation, and Discussion and Instructions to Staff
Approval	20	Resolution to Approve the Comprehensive Transportation Review (CTR) Revisions
Total Meeting Time (In Hours)	2 HR 30 MINS	

Future Agendas
Tentative as of 2/24/2020

Meeting : 05/04/20 07:00 PM (4 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Adoption	5	Adoption of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection
Adoption	5	Adoption of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2021
Update	45	Emergency Management Update
Recognition	30	TERRIFIC KID Bike Program Presentation
Total Meeting Time (In Hours)	1 HR 25 MINS	
Meeting : 05/11/20 07:00 PM (2 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Presentation	20	Briefing - Keywest at Fallsgrove PJT2020-00012
Proclamation	10	Proclamation Declaring May 10 - 16, 2020 Taiwanese American Heritage Week
Total Meeting Time (In Hours)	HR 30 MINS	
Meeting : 05/18/20 07:00 PM (2 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion	45	Proposed Amendments to the Property Maintenance Code, Being Article XII of Chapter 5 of the City Code
Proclamation	5	Proclamation Recognizing May 18-22, 2020 as National Public Works Week
Total Meeting Time (In Hours)	0 HR 50 MINS	
Meeting : 06/01/20 07:00 PM (2 items)		

Attachment 18.A.b: Future Agendas 02.24.2020 (2998 : Future Agendas)

Future Agendas
Tentative as of 2/24/2020

Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion	45	Discussion of BIDs, TIFs and Other Mechanisms for Town Center
Presentation	20	FAST Project Report
Total Meeting Time (In Hours)	1 HR 5 MINS	