

MEMORANDUM

TO: City Council

FROM: David J. Deutsch
City Manager

SUBJECT: Ordinance Modifying Vacation Accrual Schedule, and Changing
Title Reference to Human Resources Director from Personnel Officer
O-6-10

DATE: June 3, 2010

Ordinance O-6-10 alters the vacation accrual schedule for employees hired on or after July 1, 2010. This revision to the City Code will expand to the entire City organization an item that was recently negotiated with the Union in Public Works. Current employees are unaffected by this change.

Examples of the impact of the revision include:

- Current employees with five years of service receive eighteen vacation days; employees hired after July 1, 2010 will receive fifteen days of vacation after five years.
- Current employees with fifteen years of service receive twenty-five days of vacation leave; employees hired after July 1, 2010 will receive twenty days of vacation leave after fifteen years.

The Ordinance has been designated as an Emergency Ordinance so that it will be effective on July 1, 2010, instead of the typical thirty-day period after its anticipated adoption on June 21st.

DJD/asf

Attachment

**EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,
AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE II,
“PERSONNEL SYSTEM”, DIVISION 3, “PERSONNEL OFFICER”,
SECTION 2-13, “DESIGNATION”, SECTION 2-14, “FUNCTIONS”,
SECTION 2-15, “DUTY TO CLASSIFY POSITIONS”, AND SECTION
2-15A, “RECORDS, FORMS AND REPORTS,” TO CHANGE THE
TITLE OF THE PERSONNEL OFFICER TO THE DIRECTOR OF
HUMAN RESOURCES AND TO SUBSTITUTE THE TERM
“DIRECTOR OF HUMAN RESOURCES” FOR THE TERM
“PERSONNEL OFFICER”, WHEREVER THE LATTER TERM
APPEARS IN DIVISION 3, AND TO PROVIDE THAT REFERENCES
TO THE PERSONNEL OFFICER ELSEWHERE IN THE CODE
SHALL BE DEEMED TO REFER TO THE DIRECTOR OF HUMAN
RESOURCES; AND AMENDING DIVISION 7, “BENEFITS-LEAVE,
INSURANCE, RETIREMENT, ETC.”, SECTION 2-45, “VACATION
LEAVE”, TO MODIFY THE BASIS UPON WHICH VACATION
ALLOWANCES ARE CALCULATED FOR EMPLOYEES HIRED
ON OR AFTER JULY 1, 2010.**

WHEREAS, pursuant to Article 23A of the Annotated Code of Maryland, the Council of the City of Bowie, Maryland (the “City Council”) has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to this authority, the City Council has enacted certain regulations pertaining to City employment, which are codified in Chapter 2, “Administration”, of the City Code, Article II, “Personnel system”, including Division 3, “Personnel Officer”, establishing the office and duties of the City employee heretofore known as the Personnel Officer, and Division 7, “Benefits - Leave, Insurance,

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Retirement, etc.”, providing for the terms and conditions for the accrual and use of various types of employment benefits for City employees; and

WHEREAS, the City Council wishes to amend the references in Division 3, “Personnel Officer” to the individual known as the Personnel Officer to refer to said individual as the City’s Director of Human Resources, in order to be more consistent with modern terminology and to reflect better the role of the individual in question as the head of a City Department; and

WHEREAS, the City Council, given the currently-prevailing difficult economic conditions, wishes to protect the City’s future finances and improve operating efficiency, while protecting the reasonable expectations of current City employees with respect to their continuing accrual of vacation leave at present rates; and

WHEREAS, the City Manager has negotiated a contract, which has been approved by the City Council, with City Public Works employees represented by the American Federation of State, County and Municipal Employees (“AFSCME”), in which AFSCME has agreed to a reduced accrual schedule for vacation leave for employees hired on or after July 1, 2010, provided that current employees, hired before that date, will continue to accrue vacation leave at the rates previously in effect; and

WHEREAS, in order to reduce the adverse impacts on the City budget and the City’s operating efficiency of excessive vacation accrual without imposing an undue hardship on current City employees, the City Council wishes to amend Chapter 2, “Administration,” Article II, “Personnel System,” Division 7, “Benefits-leave, insurance, retirement, etc.”, Section 2-45, “Vacation leave”, to adopt an alternate schedule for

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accrual of vacation leave, identical to that approved by AFSCME for Public Works employees subject to the AFSCME agreement, for all employees hired on or after July 1, 2010; and

WHEREAS, the City Council considers that consideration of the public interest requires that this ordinance take effect at the beginning of the new fiscal year, on July 1, 2010, in order to avoid uncertainty about the effect of its provisions on new employees hired on or after that date and that, therefore, pursuant to Section 12, "Procedure for enacting ordinances", of the City Charter, this ordinance, upon a 2/3 vote of the City Council, is deemed an emergency ordinance that will take effect on July 1, 2010, rather than thirty (30) days after adoption, as otherwise required by the Charter.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City Of Bowie, Maryland that Chapter 2, "Administration," Article II, "Personnel System," Division 3, "Personnel Officer", Section 2-13, "Designation", Section 2-14, "Functions", Section 2-15, "Duty to classify positions", and Section 2-15A, "Records, forms and reports", be and hereby are amended to read as follows:

Division 3. [Personnel Officer] DIRECTOR OF HUMAN RESOURCES.

Sec. 2-13. Designation.

The responsibility for implementing the provisions of this Article and for the general supervision of the personnel system is vested in the City Manager or the City Manager's

designated [personnel officer] DIRECTOR OF HUMAN RESOURCES.

WHENEVER ANY PROVISION IN THIS CODE REFERS TO THE CITY'S

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PERSONNEL OFFICER, SUCH REFERENCE SHALL BE DEEMED TO BE A REFERENCE TO THE DIRECTOR OF HUMAN RESOURCES.

Sec. 2-14. Functions.

The [personnel officer] DIRECTOR OF HUMAN RESOURCES shall be responsible for: (a) Recommendations to the Mayor and Council for the establishment and the classification of all positions in the personnel system.

* * *

Sec. 2-15. Duty to classify positions.

The [personnel officer] DIRECTOR OF HUMAN RESOURCES shall recommend classification of all of the positions in the personnel system, assigning to each the appropriate title, experience capacity, knowledge, skill and other qualifications including the minimum prerequisites to be required for appointment. This classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, and authority over character of work, are included within the same schedule of compensation can be made to apply with equity under like working conditions to all positions within the class. The classification plan so recommended shall be transmitted to the Mayor and Council for adoption. The [personnel officer] DIRECTOR OF HUMAN RESOURCES may reclassify positions within the limits of the annual adopted budget. Every position in the personnel system shall be allocated to one of the classes and thereafter the position title and class so established shall be used in all personnel, fiscal and other documents and correspondence of the City.

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Sec. 2-15A. Records, forms and reports.

(a) The [personnel officer] DIRECTOR OF HUMAN RESOURCES shall cause to be maintained a complete personnel file for each employee. Such file shall contain a personal history form or application form and all other records, memoranda or other data pertinent to the development of a complete record of the employee's service with the City. The [personnel officer] DIRECTOR OF HUMAN RESOURCES shall develop such other forms and procedures as may be required to carry out the provisions of this Article. Personnel records will be secured so as to ensure the confidentiality of their contents. No personal may have access to an employee's personnel file, or be provided information concerning its contents, except the employee, persons authorized in writing by the employee and the persons who supervise the employee's work.

(b) All information regarding an employee's medical condition, including the results of alcohol/drug screening and referral to the employee assistance program will be treated as a confidential medical record and will be maintained and secured separate from the employee's personnel file. No one will be allowed access to confidential medical records except the employee and those persons who require such access in order to make decisions concerning the employee's ability to perform the essential functions of the employee's job.

(c) The [personnel officer] DIRECTOR OF HUMAN RESOURCES shall cause to be maintained adequate current records for leave accounting, such records to be a part of the personnel and fiscal records of the City.

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Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City Of Bowie, Maryland that Chapter 2, “Administration,” Article II, “Personnel System,” Division 7, “Benefits-leave, insurance, retirement, etc.”, Section 2-45, “Vacation leave”, be and hereby is amended to read as follows:

Sec. 2-45. Vacation leave.

A. All vacation leave shall be computed on a calendar year basis.

B. FOR EMPLOYEES HIRED BEFORE JULY 1, 2010, VACATION ALLOWANCES SHALL BE EARNED ANNUALLY BASED ON THE FOLLOWING SCHEDULE:

~~(a)~~(1) Employees with less than three (3) years of service shall be entitled to one (1) day of vacation for each month of service per year.

~~(b)~~(2) Employees with three (3) years or more of service but less than five (5) years of service shall be entitled to one and one-quarter (1 1/4) days of vacation leave for each month of service per year.

~~(c)~~(3) Employees with five (5) years or more of service but less than ten (10) years of service shall be entitled to one and one-half (1 1/2) days of vacation leave for each month of service per year.

~~(d)~~(4) Employees with ten (10) years or more of service but less than then fifteen (15) years of service shall be entitled to one and three-quarters (1 3/4) days of vacation leave for each month of service per year.

~~(e)~~(5) Employees with fifteen (15) years or more of service shall be entitled to two and one-twelfth (2 1/12) days of vacation leave for each months of service per year.

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C. FOR EMPLOYEES HIRED ON OR AFTER JULY 1, 2010, VACATION ALLOWANCES SHALL BE EARNED ANNUALLY BASED ON THE FOLLOWING SCHEDULE:

(1) EMPLOYEES WITH FEWER THAN FIVE (5) YEARS SERVICE SHALL BE ENTITLED TO .83 (83/100) DAYS OF VACATION LEAVE PER MONTH OF SERVICE PER YEAR

(2) EMPLOYEES WITH MORE THAN FIVE (5) YEARS OF SERVICE BUT FEWER THAN FIFTEEN (15) YEARS OF SERVICE SHALL BE ENTITLED TO ONE AND ONE-QUARTER (1 ¼) DAYS OF VACATION LEAVE PER MONTH OF SERVICE PER YEAR.

(3) EMPLOYEES WITH MORE THAN FIFTEEN (15) YEARS OF SERVICE BUT FEWER THAN TWENTY (20) YEARS OF SERVICE SHALL BE ENTITLED TO ONE AND TWO-THIRD DAYS OF VACATION LEAVE PER MONTH OF SERVICE PER YEAR.

(4) EMPLOYEES WITH MORE THAN TWENTY (20) YEARS OF SERVICE SHALL BE ENTITLED TO TWO AND ONE-TWELFTH (2 1/12) DAYS OF VACATION LEAVE PER MONTH OF SERVICE PER YEAR.

~~(f)~~D. Part-time employees shall earn a pro rated credit for vacation leave, based upon years of service as set forth in Subsection (a) through (e) of this Section, in proportion to the number of hours employed.

~~(g)~~E. Probationary employees may accrue vacation leave but may not use it until successful completion of the probationary period, except that sworn police department

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personnel with one-year probationary periods may use accrued vacation leave after six months of employment.

Section 3. BE IT FURTHER ORDAINED that this Ordinance, upon its adoption by a 2/3 majority vote of the City Council of the City of Bowie, Maryland, shall become effective on July 1, 2010, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of June, 2010.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2010.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Pamela A. Fleming
City Clerk

By: _____
G. Frederick Robinson, Mayor

APPROVED AS TO FORM AND SUFFICIENCY:

Robert H. Levan, City Attorney

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