

m* Concurrent City Employment Prohibition*SCOPE**

City employees may not have concurrent employment with the City of Baltimore except for employment in certain part-time capacities. City employees may have additional employment outside of City government provided such employment does not violate any other City policies, rules, and ordinances, such as the Ethics Code.

CONCURRENT EMPLOYMENT

Concurrent employment is when a City employee is employed full-time at one City agency while being simultaneously employed in a full or part-time position with the same or a different City agency.

PROHIBITED EMPLOYMENT

Neither exempt nor nonexempt full-time employees of the City of Baltimore may have concurrent employment with City of Baltimore.

PART-TIME EMPLOYEES

Part-time employees may have concurrent part-time employment with the City of Baltimore; however, the employee may not work more than 20 hours per week in each job. Part-time employees may not have employment in more than two concurrent part-time positions with the City of Baltimore.

EXCEPTIONS

Only the Board of Estimates may approve an exception to this policy. The requesting agency must show substantial justification for the exception related to the agency's fiscal and operational functions. Any request of a policy waiver must be addressed as a Personnel Action.

Work Hours and Employee Status

This Policy establishes the guidelines for determining the work hours and status for employees of the City of Baltimore (“City”). This Policy also establishes guidelines for benefit eligibility according to employee status as well as a prohibition on concurrent employment. The City complies with all Federal, State, and Local laws applicable to this Policy.

I. PURPOSE

The purpose of this Policy is to establish the guidelines for benefit eligibility and the prohibition of concurrent employment.

II. SCOPE

This Policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, probationary employees, as well as elected officials and their appointed staffs.

III. DEFINITIONS

- A. Civil Service Employee** – Employees holding positions in the municipal service of the City of Baltimore required by Section 99 of the Baltimore City Charter to be classified under the Civil Service Commission.
- B. Concurrent Employment** – Employees holding two positions with the City of Baltimore, either full-time or part-time.
- C. Full-Time Employee** – An individual appointed to a position that consistently requires the employee to work full-time work hours.
- D. Part-Time Employee** – An individual appointed to a position and works only part-time work hours of fewer than twenty-eight (28) hours in a week as established by this Policy.
- E. Regular Employee** – An individual, who has been appointed to a budgeted, fully-funded Civil Service or non-Civil Service position, and is assigned to a group of duties and responsibilities that continually requires the full-time employment of one person.
- F. Non-Civil Service Employee** – Employees holding positions with the City that have been excluded from the Civil Service pursuant to Section 99 of the Baltimore City Charter.
- G. Temporary Employee** – An individual appointed to a position on a part-time basis that results from unusually heavy workloads or seasonally heavy workloads, short-term grant funding or hired on a contractual basis. Temporary appointments are generally for a period of two years or less. Temporary employees are non-exempt, non-Civil Service employees, do not serve probationary periods, and generally occupy positions that are funded but not budgeted.
- H. Contractual Employees** - Individuals engaged to render services to the City on a contractual basis when the requesting Agency can establish a need for the individual's services and the individual possesses the qualifications necessary to satisfy the requirements of the services to be rendered.

Work Hours and Employee Status

IV. WORK HOURS

- A. The hours of operation for City business hours are Monday through Friday, from 8:30 am to 4:30 pm. Employees are entitled to a forty (40) minute unpaid or paid lunch break unless otherwise covered in the employee’s collective bargaining unit for every eight (8) hours worked, except Public Safety. The Board of Estimates has the authority, in its discretion, to modify or change the City’s hours of operations for municipal offices whenever necessary. With the Mayor’s approval, Agency heads may establish hours of operation other than those specified for such employees as may be needed to promote public service or as needed to meet emergencies.

- B. Covered employees must be paid for all hours worked in a workweek. In general, “hours worked” includes all time an employee must be on duty, or on the employer’s premises or at any other prescribed place of work, from the beginning of the first principal activity of the work day to the end of the last principal work activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work.

V. WORK WEEK

A workweek is a period of 168 hours during 7 consecutive 24-hour periods. It may begin on any day of the week and at any hour of the day established by the employer. Generally, for purposes of minimum wage and overtime payment, each workweek stands alone; there can be no averaging of 2 or more workweeks. Employee coverage, compliance with minimum wage payment requirements, and the application of most exemptions are determined on a workweek basis. A full work week shall also be defined according to what is stated within the employee’s MOU which will be consistent with FLSA guidelines.

VI. EMPLOYEE STATUS

- A. Employees are appointed into either Civil Service or non-Civil Service positions, and serve as regular or temporary employees with full-time or part-time hours.

- B. At the time of hire, the Agency shall identify the employee as either full-time or part-time and enter the designation into the City’s Human Resources Information System (“HRIS”).

- C. Temporary employees are part-time employees and shall not work more than twenty-eight (28) hours per week or fifty-six (56) hours per bi-weekly pay period.

- D. Agencies must obtain approval from the Director of Human Resources before an employee’s status is changed from part-time to full-time. In addition, any change in status from exempt to non-exempt or Civil Service to non-Civil Service shall be in writing. The employee shall be notified in advance of the effective date of action.

Work Hours and Employee Status

VII. BENEFIT ELIGIBILITY

A. In General

Eligibility for City sponsored benefits is determined by an employee’s status. Regular full-time employees are eligible to receive all benefits offered by the City. Temporary and part-time employees are not eligible to participate in benefits offered by the City.

B. Bargaining Units (except Public Safety)

1. Part-time employees who are represented by the City Union of Baltimore (“CUB”) Local 800 Unit I and Unit II, and the American Federation of State, County, and Municipal Employees (“AFSCME”) Local 44, 558, and 2202 are eligible to receive City benefits in accordance with the provisions of their respective Agreements.
2. Employees who are represented by the Managerial and Professional Society of Baltimore, Inc. (“MAPS”) that are appointed to regular positions and working less than full-time work hours on a continuous basis as of the effective date of this policy will continue to receive City benefits. MAPS employees that working less than a full-time work week after the effective date of this policy or employees that become members of MAPS after the effective date of this policy that are working less than a full-time work week are not eligible for City benefits.

VIII. CONCURRENT CITY EMPLOYMENT PROHIBITION

Employees of the Mayor and City Council of Baltimore may have concurrent employment with the City of Baltimore as long as it is approved by the Board of Estimates. City employees may have additional employment outside of City government provided such employment does not violate any other City policies, rules, and ordinances, such as the City’s Ethics Code.

IX. CONSEQUENCES OF POLICY VIOLATION

Violation of this Policy may create liability under the Affordable Care Act. The City has zero tolerance for violations of this Policy. A violation of this Policy may result in disciplinary action, up to and including termination from employment. Employees are strongly encouraged to promptly report all violations of this Policy to the appropriate Agency personnel.

X. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

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AM 200-2

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Work Hours and Employee Status

XI. CONFLICTS WITH OTHER CITY POLICIES

To the extent that provision(s) of any City Policy conflict with *Section V* of this Policy, those provisions are superseded by *Section V* of this Policy.

XII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XIII. RELATED POLICIES

MOUs <http://labor-commissioner.baltimorecity.gov/contract-agreements>

Moving Expenses

The City of Baltimore (“City”) recognizes the need to provide prospective employees with financial assistance to cover the cost of specific expenses incurred in moving themselves and their families to a new position with the City.

I. PURPOSE

The purpose of this Policy is to establish the requirements for providing financial assistance to new employees who have been approved for monies to minimize the costs of their move to start their new job.

II. SCOPE

This Policy establishes responsibility for certain moving expenses, when an individual is moving personal belongings and/or family in order to assume a position with the City. Under no circumstances will the City consider or approve reimbursement of moving expenses, unless the charges are approved by the Board of Estimates (“BOE”) in advance. A move of less than fifty (50) miles in radius from the City will not be approved for reimbursement.

III. COVERED COSTS

In circumstances which may arise from the level of position being filled and the costs of an interstate move, an Agency Head may request the BOE to defray the costs of certain moving expenses in order to secure the services of an individual. In such cases, the move must involve a radius of more than fifty (50) miles and be limited to the costs of the move of personal belongings.

IV. COST DETERMINATION

It is the responsibility of the Agency Head to secure from the individual accepting City employment two (2) estimates of the move costs. Such cost estimates must detail the scope of the estimate, i.e., move is limited to costs of personal belongings. The BOE, at its own discretion, shall stipulate the amount of moving expenses to be covered in its approval.

V. REIMBURSEMENT PRICES

An individual who has received reimbursement approval of moving expenses for personal belongings must present the original bill of lading which details transport weight, hourly costs of flat rate charge, etc., to their direct supervisor or designee. Reimbursement of approved expenses will be obtained by preparing an Expenditure Authorization (28-1428-5035), which must be approved for available funds by the appropriate analyst in the Bureau of the Budget and Management Research. The original bill of lading is to be processed with the Expenditure Authorization and the letter of approval by the BOE. The budget analyst should forward the request approval to the Bureau of Accounting and Payroll Services.

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AM 200-3

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Moving Expenses

VI. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VIII. RELATED POLICIES

AM 303-1 Expenditure Authorizations (EAs)

Positions of Trust

The City of Baltimore (“City”) recognizes the importance of establishing guidelines used to identify positions of trust within the City’s classification system. The City is committed to providing a safe working environment for its employees and citizens. The City will follow all applicable Federal, State, and Local laws governing all aspects of employment and background screenings.

I. PURPOSE

The purpose of this Policy is to identify positions of trust within the City for the purposes of conducting criminal background investigations. A position of trust is created when an individual is permitted to exercise certain authorities without close supervision, which, if abused, could lead to either direct or indirect personal or financial gain. A position of trust also is created when an individual works with children.

II. SCOPE

This Policy applies to all City employees, including regular full and part-time, probationary, seasonal, temporary, , and elected officials and their appointed staff who are appointed, reinstated, transferred, and/or promoted to a position of trust. Though not considered employees, independent contractors and volunteers are bound by the restrictions of this Policy.

This Policy does not apply to sworn members of the Baltimore City Police Department, or positions covered by the Public Local Laws (“PPL”) adopted by the General Assembly (Sec. 16-16A, 16B, and 16C), such as Special Traffic Enforcement Officers. PPL gives the Police Commissioner the authorization to appoint such officers and to remove them, and thus to set the criterial used for such actions.

III. GUIDELINES

In accordance with the following guidelines, the Agency Head is responsible for identifying those positons of trust which exist within the Agency. The Director of Human Resources or his/her designee shall convene and chair a panel of Human Resources and Agency representatives to review the designation made by the Agency Head. The panel may, after consultation with the Agency Head, and in accordance with the following guidelines, determine that a positon is not a position of trust. Positon of trust categories include:

A. Category 1

Category 1 consists of senior officials whose positions involve a significant degree of responsibility and authority. This group includes Agency, Bureau, and Department Heads and their senior deputies. In some instances, it is appropriate to include Division Heads and their deputies, as well as individual senior advisors where such officials have, because

Positions of Trust

of specialization, significant opportunity to influence the decision-making process in the City.

B. Category 2

Category 2 consists of individuals who can significantly influence the financial interest of third parties. This group includes those involved in procurement, licensing, benefits eligibility, loans, settlements, property valuation and use, and employment eligibility.

C. Category 3

Category 3 consists of individuals who have access to resources highly susceptible to loss or conversion. This includes individuals who handle cash, checks, and other receipts (other than imprest funds of less than \$100); individuals who collect rent; individuals who have custody of inventories; individuals who sell surplus property; and individuals who authorize payroll and other disbursements.

D. Category 4

Category 4 consists of individuals who are responsible for the financial and related systems of the City. This group includes accountants, budget officers, and ADP/HRIS system designers, programmers and operators.

E. Category 5

Category 5 consists of other sensitive officials who establish or enforce controls regarding environmental or other hazards, and individuals who investigate safety and various code violations.

F. Category 6

Category 6 consists of individuals who work with children, such as school nurses, recreation leaders, outreach workers or counselors who serve children, or individuals who work in youth opportunity programs.

G. Category 7

Category 7 consists of individuals who have access to other's personal information. This group includes persons with access to personal identifiable health information, financing information, educational information, or personnel information.

IV. POLICY IMPLEMENTATION

Positions are flagged as confidential in HRIS based on whether the position requires a criminal background investigation. Prior to either employment with the City or promotion within the City, applicants are required to receive an Applicant Release and Authorization

Positions of Trust

Form from the Agency’s Human Resources Practitioner in accordance with *AM 200-4-1 Criminal Background Check* (“*AM 200-4-1*”).

A. Exception

With the exception of employees working with children, employees filling positions of trust in an out-of-title status will be exempt from the requirement to complete the Applicant Release and Authorization Form. Additionally, a criminal background investigation is not required when an employee is reinstated to a previously held position of trust, provided that an investigation has been completed within one year of the reentry date.

B. Non-Positions of Trust

Employment for non-positions of trust shall not require disclosure of prior convictions or any other criminal history information. Such employees are not subject to a criminal background check.

V. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VI. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VII. RELATED POLICIES

- AM 200-4-1 Criminal Background Check
- AM 200-4-2 Criminal Background Check: Sample Adverse Action Letters

Criminal Background Check

The City of Baltimore (“City”) is committed to protecting the security, safety, and health of employees, citizens, and individuals conducting business with the City. As a public employer, the City has a vested interest in verifying that City employees have not engaged in behavior that could adversely affect any of its services to the public or otherwise interfere with the workplace. As a result, pre-employment background checks for all positions of trust shall be required to work for the City.

I. PURPOSE

The intent of the Policy is to ensure that the integrity of the City and the safety of its employees and residents are not compromised. The Policy’s mandatory pre-employment criminal background check is required to ensure that City Agencies remain compliant with the guidelines outlined by the Equal Employment Opportunity Commission (“EEOC”) and is subject to federal, state, and local laws and regulations. To the extent this Policy conflicts with any such laws, the Federal, State, or Local law shall prevail.

II. SCOPE

This Policy applies to all City employees, including regular full and part-time, probationary, seasonal, and temporary employees who are appointed, reinstated, transferred, and/or promoted to a position of trust. Though not considered employees, volunteers are bound by the restrictions of this Policy.

This Policy does not apply to sworn members of the Baltimore City Police Department, or positions covered by the Public Local Laws (“PPL”) adopted by the General Assembly (Sec. 16-16A, 16B, and 16C), such as Special Traffic Enforcement Officers. PPL gives the Police Commissioner the authorization to appoint such officers and to remove them, and thus to set the criteria used for such actions.

III. APPLICANT RELEASE AND AUTHORIZATION FORM

Prior to either employment with the City or promotion within the City, applicants are required to receive an Applicant Release and Authorization Form from the Agency’s Human Resources Practitioner. The Agency’s Human Resources Practitioner may only initiate a criminal background check once the Authorization Form is completed and received by the applicant. When the Agency’s Human Resources Office receives the Authorization Form, the Authorization Form must immediately be forwarded to the authorized background check vendor, who will conduct a Background Report and send the applicant’s result to the Department of Human Resources (“DHR”) Recruitment Division. DHR’s Director and/or designee is solely responsible for the preliminary review of all Background Reports.

Criminal Background Check

IV. REVIEW OF BACKGROUND REPORTS

The DHR's Director and/or designee is solely responsible for the preliminary review of all Background Reports. The Agency's Human Resources Office will be notified once the Background Report is reviewed by DHR. In the event there is adverse information in the Background Report, DHR will send without enclosures to the applicant: (1) a Pre-Adverse Letter; (2) the FCRA Summary of Rights; (3) the Noncriminal Justice Applicant's Privacy Act; and (4) the Background Report. DHR will simultaneously send the Agency's Human Resources Office a cover sheet regarding the adverse information in the Background Report and the Pre-Adverse Letter sent to the applicant. During this time, the applicant has five (5) business days from receipt to dispute the contents of the report.

V. REVIEW OF ADVERSE BACKGROUND REPORTS

If the applicant chooses to dispute the contents in the Background Report, a panel consisting of the Chief of DHR's Recruitment Division, a representative from DHR's Policy Division, and a representative from the Agency's Human Resources Office will meet with the applicant to discuss the report. After the scheduled meeting, DHR will provide a recommendation to the Agency. If the Agency accepts a recommendation to not hire the applicant, the Agency's Human Resources Office will send an Adverse Action Letter to the applicant with a copy of the letter sent to DHR.

VI. CONFIDENTIALITY

Due to the sensitive nature of criminal history information, only employees who are authorized to review background checks can review information contained in the report. All persons receiving criminal information regarding an applicant shall maintain the confidentiality of such information in accordance with applicable law. Failure to do so may result in disciplinary action, up to and including termination.

VII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VIII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

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AM 200-4-1

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Criminal Background Check

IX. RELATED POLICIES

AM 200-4 Positions of Trust

AM 200-4-2 Criminal Background Check: Sample Adverse Action Letters

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AM 200-4-2

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***Criminal Background Check:
Sample Adverse Action Letters***

SAMPLE ADVERSE ACTION PRELIMINARY LETTER TO THE APPLICANT

**Applicant/Employee
Address 1
City, State, Zip code**

Dear **Applicant/Employee**,

Enclosed is a consumer report that we requested in connection with your application for employment with the City of Baltimore's **Agency** ("**Agency Abbreviation**"). In accordance with the Federal Fair Credit Reporting Act, also enclosed is a copy of your rights under the Act.

Based on our hiring criteria and the contents of your Criminal Background Report, we have made a preliminary recommendation to **Agency** not to consider you further for employment.

Unless you choose to contest this preliminary recommendation within five (5) business days of the date of this notice to explain any negative information found in your Criminal Background Report, a final decision will be issued by **Agency** regarding your employment with the City of Baltimore. If you choose to explain any negative information, please contact me at **Chief of Recruitment's Phone Number**.

You have the right to dispute the accuracy of the information in this report by directly contacting [the authorized background check vendor], the consumer agency in connection with your report. [The authorized background check vendor] did not, however, make this employment decision. [The authorized background check vendor] can be reached by mail at [address of the authorized background check vendor], or by phone at [phone number of the authorized background check vendor].

Sincerely,

Name of DHR's Chief of Recruitment
Chief, Recruitment

cc: **HR Business Partner, Agency** (w/o encls.)

Enclosures: Copy of Criminal Background Report
FCRA Notice of Rights
Noncriminal Justice Applicant's Privacy Rights

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AM 200-4-2

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***Criminal Background Check:
Sample Adverse Action Letters***

SAMPLE ADVERSE ACTION LETTER TO THE APPLICANT

Applicant Name
Address
City, State, Zip code

Dear **Applicant**,

We regret to inform you that based on our hiring criteria, we are unable to consider you further for the position applied for/an employment opportunity with the City of Baltimore's **Name of Agency ("Abbreviation")**. This decision was made in part from the information we received from [the authorized background check vendor], our employment screening vendor. [The authorized background check vendor] does not make these decisions and is unable to provide you with the specific reasons for them.

In accordance with the Fair Credit Reporting Act, you have previously received a copy of this information and a copy of your rights under the Act. You also have the right to obtain an additional free copy of the report within 60 days of your receipt of this letter by contacting [the authorized background check vendor] at the address and telephone number below. Please refer to these documents if you have further questions. You have the right to dispute the accuracy or completeness of the information contained in the report(s) by contacting [the authorized background check vendor].

[The authorized background check vendor's] forms for the reinvestigation can be found at [domain address of the authorized background check vendor]. If you do not have internet access, you may alternatively contact [the authorized background check vendor] by mail or telephone.

[Address and phone number of the authorized background check vendor]

Thank you for your interest in employment with the City of Baltimore.

Sincerely,

Signature of Agency HR Representative
HR Representative Name
HR Representative Title

cc: Chief, DHR Recruitment

m ***Hiring, Transfers, and Promotions***

EMPLOYEE ACTION REQUESTS

TIME LIMIT ON APPROVED REQUESTS

Effective immediately, an approved EMPLOYEE ACTION REQUEST (28-1608-5021) [AM-231-1-1] will be valid for only 3 months from the date authorized by the Mayor’s Personnel Freeze Committee. This time limit applies to all City agencies.

PROPER USE OF JUSTIFICATION BLOCK

Agencies are reminded that the justification block on the EMPLOYEE ACTION REQUEST (Section D – Agency Justification for Requested Action) must contain adequate reasons for filling a position.

Statements such as the following are NOT considered to be adequate justification:

- “The employee previously in the job has been promoted.”
- “The position is vacant and we need to fill it.”
- “The employee who filled the job has resigned.”
- “We have a Public Service Employee whose funding is expiring and who needs a permanent position.”
- “We transferred the previous holder of the job.”

Agencies must provide answers to the following types of questions when completing the justification block:

- What will be the impact on the agency’s operations if the position is not filled?
- What will be the impact on the quality and quantity of services provided by the agency if the position is not filled?
- Will overtime costs increase if the position is not filled?

Additional sheets may be attached to the EMPLOYEE ACTION REQUEST if extra space is needed for the justification.

Insufficient or inadequate justification will be considered by the Freeze Committee as grounds for disapproval of the request.

Political Activity

The City of Baltimore (“City”) encourages employees to exercise their right to participate in or refrain from engaging in political processes, including the ability to express any political opinion, without fear of penalty or reprisal. However, the City, as a local government, is subject to federal, state, and local laws and regulations regarding restrictions on political activities.

I. PURPOSE

This policy establishes substantive and procedural requirements for a City employee who either:

- Files as a candidate for elective and public office;
- Acts in an official campaign capacity for an individual running for elective and public office; or
- Is not a candidate for elective and public office.

II. SCOPE

This policy applies to all employees and individuals involved in the City’s operations. All elected City officials are excluded from the requirements of this Policy.

III. POLITICAL ACTIVITIES

A. Permissible Activities. A City employee may engage in political activity to the extent not expressly prohibited by law or applicable policy. Permissible activities include, but are not limited to:

1. Registering, voting, and otherwise participating in elections;
2. Becoming a candidate for and holding public office in accordance with City policy;
3. Expressing opinions privately and publicly on political subjects;
4. Participating in political organizations;
5. Participating in political campaigns;
6. Engaging in political management; and
7. Running for a political office without requesting leave of absence.
 - a. A City employee’s request for leave to campaign should be treated as any other request for leave.

B. Prohibited Activities. A City employee shall not:

1. Utilize their City positions to interfere with a political nomination or election;
2. Utilize the City’s electronic communications systems for any “non-government business uses,” including “sending political messages;”
3. Utilize City publications, equipment, vehicles, facilities, postage, letterhead, official stationary, funding to support or oppose any political candidate or political party;

Political Activity

4. Engage in political activity (including soliciting political contributions or participation in a candidate’s campaign) while on the job during working hours;
5. Coerce any other individuals involved in City operations to contribute anything of value to any political cause;
6. Advocate the overthrow of the government by unconstitutional or violent means;
7. Place or affix any political campaign materials on City property (including buildings and city vehicles);
8. Wear any political campaign materials while on duty or while working in an official, City capacity;
9. Knowingly request or solicit the payment of any political contribution, assessment, or subscription from any person in the Civil Service; and
10. Intentionally use the prestige of office or position for private gain or that of another.

IV. SPECIAL REQUIREMENTS

A City employee may be subject to certain requirements of the federal government relative to working in an agency which receives federal funds and to stipulations entailed in the Hatch Act Section 1502.

A. Hatch Act. A City employee is subject to the Hatch Act if the employee:

- i. Works for the executive branch of state or local government;
- ii. The employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency;” and
- iii. Performs duties in connection with those financed activities.

B. Hatch Act Restrictions. In addition to the requirements listed under *Section III. Political Activities*, an employee covered by the Hatch Act shall not:

- i. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; and
- ii. Directly or indirectly coerce, attempt to coerce, command, or advise a covered state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

C. Hatch Act Prohibition. An employee covered by the Hatch Act whose salary is, paid *completely*, directly or indirectly, by loans or grants made by the United States or a Federal agency may not be a candidate for public office in a partisan election unless that person is currently holding an elective office. However, an employee may be a candidate for public office in a nonpartisan election.

Political Activity

V. CITY REQUIREMENTS

Provided that the City employee is not subject to the federal requirements as stipulated, the following requirements shall apply:

- A. Running an Office.** Any City employee running for an elective and public office must request a leave when absent from working, i.e., to include vacation leave, personal leave, and compensatory time, or leave of absence without pay. Sick leave cannot be used for such purposes.
- B. Winning an Office.** A candidate who is successful in winning the elective office is eligible to return to their City position until they are duly sworn and qualified for the position unless a conflict develops concerning their City duties as an employee.
- C. Losing an Office.** A candidate who is unsuccessful in election to public office may return to their position.

VI. COMPLIANCE

An employee is found to be in violation of this Policy shall be subject to sanctions to include dismissal as determined by City rules and regulations. Before taking any adverse employment action, City employees must first contact the Law Department.

VII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VIII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

IX. RELATED POLICIES

- AM 208-2 Elective Office: State Service and Service in Other Jurisdictions
- AM 118-1 Electronic Communications Policy

Telework Policy

The City of Baltimore (“City”) is committed to increasing employee productivity and improving talent recruitment by providing employees with work alternatives that enable employees to meet their work and family needs. Teleworking is a work alternative that the City offers to eligible employees when it is beneficial to both the City and its employees. Teleworking does not change the terms and conditions of employment with the City nor should it interfere with operational business needs or the delivery of City services.

I. PURPOSE

The purpose of this Policy is to establish the rules for the use of an alternate work location for employees to perform their usual job duties away from their assigned main office location. The alternative work arrangement is intended to help the City recruit and retain excellent employees; to provide more flexible work arrangements for eligible employees; and to assist in the community effort to reduce outdoor air pollution and traffic congestion attributable to automobile travel. The Policy serves to provide an effective way to meet the needs of the City, its employees, and the community.

II. SCOPE

This Policy applies to all eligible full-time and part-time employees who have successfully completed the City’s initial probationary period and who have satisfactory job performance.

III. DEFINITIONS

- A. Alternate Work Location** – An approved work site other than the employee’s assigned main office location where official City business is performed.

- B. Dependent Care** – The care provided to infants, toddlers, preschoolers, school-aged children, or adults and elderly adults.

- C. Main Office Location**– The assigned City office location of the employee.

- D. Telework** – An alternative work arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the employee’s assigned main office location.

- E. Telework Agreement** – The written agreement between the supervisor and employee that details the terms and conditions of an eligible employee’s work away from their assigned

Telework Policy

main office location. Telework agreements are required for eligible employees who are authorized to telework.

IV. ELIGIBILITY

Participation of employees in the telework program will vary among Agencies depending upon the operational business needs of the particular area and the functions and responsibilities of employees. Initial determination of an employee's eligibility to telework is at the discretion of the immediate Supervisor; however, the ultimate decision to allow an eligible employee or a group of employees within the agency to telework is at the discretion of the employee's Agency Head. In determining whether an employee is eligible to telework, the Supervisor and Agency Head must consider whether:

- Service delivery to internal and external customers will be maintained;
- The Agency will maintain adequate coverage during normal business hours;
- The employee has satisfactorily performed their job responsibilities prior to their telework request as evidenced through current observations and their most recent performance management plan evaluation;
- The employee demonstrates the ability to work independently;
- The position has clearly defined deliverables and measurable tasks and productivity may be effectively quantified with minimal supervisor observation;
- Confidentiality will not be compromised and the arrangement does not require the physical removal of confidential files from the workplace; and
- Increased employee engagement will be supported through improved work-life balance.

V. LIMITATIONS

Teleworking is not appropriate for all employees and no employee is entitled or guaranteed the opportunity to telework or to the continuation of telework. An employee is not eligible to telework if:

A. The employee's day-to-day essential job functions includes:

1. Continuous in-person customer service;
2. Direct handling of secure materials determined to be inappropriate for telework by the Agency Head; or
3. On-site activity that cannot be handled remotely or at an alternative work location.

Telework Policy

- B.** The employee has been disciplined for having a pattern of excessive absenteeism as defined in *PM 305 Attendance Standards Policy (PM 305)*;
- C.** The employee has ever been disciplined for violation of *AM 118-1 Electronic Communication Policy (AM 118-1)*; or
- D.** The quantity or quality of an employee’s work is unsatisfactory.

VI. TERMS FOR TELEWORKING

- A.** All employees eligible to participate in the telework program must:
 - 1.** Annually complete a Telework Agreement for their Agency and have it on file with their Agency’s Human Resources Division (“HR Division”). The Telework Agreement must be refiled by the employee with their Agency’s HR Division whenever:
 - a.** The employee has a change in direct supervision;
 - b.** The employee changes their position, regardless of whether the new position is inside or outside of the Agency; or
 - c.** There is a change in the employee’s job classification.
 - 2.** Adhere to the approved telework schedule and work from an approved worksite;
 - 3.** Seek prior approval for any deviation from the approved telework schedule including overtime and compensatory time;
 - 4.** Be available by telephone and/or e-mail during scheduled work hours, with the exception of breaks as outlined in *AM 207-1 Work Hours (AM 207-1)* and the employee’s respective Union Memorandum of Understanding (“MOU”);
 - 5.** Account for and report time spent at the alternative work location in the same manner as if the employee reported for work at the main office location;
 - 6.** Maintain a level of performance that meets the expectations and timelines for completing all assignments and tasks associated with the position; and

Telework Policy

7. Not use telework as a substitution for the appropriate use of sick leave.

B. Further, employees eligible to participate in the telework program must acknowledge and agree that:

1. A specific work space is designated at the alternate work location. The employee's alternate work location will be considered an extension of the City's main office location. Therefore, the City will continue to be liable for job-related accidents of employees that occur in the alternate work location during the employee's working hours. Workers' compensation liability is limited to the designated work space as opposed to all areas of the alternate work location. A photograph of the alternate location must accompany *AM 200-13-1 Telework Agreement (AM 200-13-1)*;

2. Teleworking is not a substitute for dependent care. Employees who need to arrange care for dependents while they work at their assigned alternative work location are required to make the same arrangements as when they are at their assigned main office location;

3. The supervisor retains the right to require an employee who teleworks to commute to a City office on a regularly scheduled telework day should a work situation warrant such an action. This situation is expected to be only an occasional occurrence. If the employee is frequently required to return to a City office during a regularly scheduled telework day, the supervisor may reevaluate the compatibility of the employee's position and job responsibilities with teleworking; and

4. The Telework Agreement may be terminated by the supervisor or employee upon one (1) week notice to the other party. In cases involving a security breach or violation of City Policy, teleworking privileges shall be terminated immediately without prior notice.

VII. EQUIPMENT AND TECHNOLOGY

The City will not purchase or reimburse a teleworking employee for equipment necessary to function in a teleworking environment. Employees may use their own technological equipment provided no cost is incurred by the City and it complies with the City's electronic communications and security requirements.

Telework Policy

- A. The Employee-owned equipment used for teleworking purposes is subject to the following conditions:
 - 1. The equipment must have up-to-date virus protection and licensing software;
 - 2. The employee is solely responsible for any repairs and maintenance of employee-owned equipment;
 - 3. All City data and information must be stored on the City’s network and not on the employee’s personal equipment; and
 - 4. The City does not assume any liability for loss, theft, damage, or wear of employee-owned equipment as a result of the telework-related activity.

- B. In accordance with *AM 118-1*, an employee using employee-owned equipment to conduct telework-related activity subject their hard drive, software, and/or any other type of electronic storage media to the possibility of a lack of privacy, including the equipment being subpoenaed, due to legal action taken against or by the City.

VIII. CONFIDENTIALITY AND PROPRIETARY INFORMATION

- A. City employees may have access to confidential and proprietary information not accessible to the general public. Generally, confidential and proprietary information shall not leave the assigned main office location. Further, duplicating or disclosing confidential or proprietary information, unless it serves as a business necessity, is strictly prohibited. When teleworking, employees are required to maintain the same confidentiality of all City information as they would at their main office location. Employees shall also take the necessary precautions to ensure that confidential and proprietary information is protected while in transit between the main office location and alternative work location.

- B. Failure to exercise due care in safeguarding the City’s confidential and proprietary information is a job performance matter and will result in disciplinary action, up to and including termination.

Telework Policy

IX. TRAINING

Each Agency Head shall ensure that all employees eligible to participate in the telework program and all Supervisors/Managers of teleworkers participate in a telework training program offered by the agency or the telework training program offered by the Department of Human Resources (“DHR”). Employees eligible to telework must successfully complete the telework training prior to entering into a Telework Agreement.

X. ROLES AND RESPONSIBILITIES

A. Employee Responsibilities. Employees eligible to telework shall:

1. Initiate the telework approval process;
2. Complete *AM 200-13-1* and DHR’s telework training program;
3. Contact MOIT to ensure that telework equipment is in compliance with MOIT standards;
4. Timely submit bi-weekly timesheets in accordance with *AM 205-10 Payroll Systems (AM 205-10)*;
5. Maintain safe working conditions at their alternative work location as the employee would at their main office location;
6. Report any work interruption while at the alternative work location. In the event that the interruption requires the employee to work at the main office instead of teleworking, the employee must immediately notify their Supervisor/Manager; and
7. Report any job-related injury at their alternative work location to their direct supervisor within 48 hours and follow established procedures outlined in *AM 204-10 Job-Related Injury and Illness (AM 204-10)*.

B. Supervisor/Manager Responsibilities. Supervisors/Managers of eligible telework employees shall:

1. Review and submit the eligible employee’s Telework Agreement to the Agency’s HR Division. If the request to telework is not approved, the Supervisor/Manager must still

Telework Policy

forward the request to the Agency's HR Division with a written reason why they are denying the request and any evidentiary support;

2. Discuss any changes and issues regarding the Telework Agreement or schedule with the employee;
3. Complete DHR's telework training program; and
4. Hold regularly scheduled conferences with the telework employee to discuss assignments during the telework period and any work-related issues while at the alternative work location.

C. Agency's Human Resources Division. Each Agency's Human Resources Division shall:

1. Review all Telework Agreements for consistency with City Policy and place signed form in the employee's official personal file;
2. Maintain a record of all Telework Agreements within the Agency; and
3. Notify all Agency employees of their eligibility to telework.

D. Agency Head Responsibilities. Each Agency Head shall:

1. Establish a procedure under which eligible employees of the Agency may request approval to telework; and
2. Make the final determination of whether employees within their Agency are eligible to telework.

VIII. COMPLIANCE

Violation of this Policy may result in disciplinary action, up to and including termination of employment. All employees are required to promptly report violations of this Policy to the Agency Human Resources Practitioners.

Telework Policy

IX. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

X. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XI. RELATED POLICIES

- AM 200-13-1 Telework Agreement
- AM 118-1 Electronic Communications Policy
- AM 204-10 Job-Related Injury and Illness
- AM 204-14 Sick Leave
- AM 205-10 Payroll Systems
- AM 207-1 Work Hours
- AM 228-1 Performance Management Policy for Managerial and Professional Society
of Baltimore Covered Employees
- AM 301-10 Computer Systems and Services
- PM 305 Attendance Standards Policy
- PM 350 Discipline
- PM 370 Performance Evaluations

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AM 200-13-1

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Telework Agreement

Employee Name: _____

Title: _____ Date: _____

Department/ Division: _____ Work Location: _____

Supervisor Name/Title: _____

Teleworking at the City of Baltimore (“City”) is the practice of working at home or another alternative work location instead of the City’s main office location. It is a work alternative arrangement that the City offers to eligible employees when it would benefit both the City and its employees.

Not all positions are suited for telework. Those positions responsible for providing in-person customer service, direct handling of secure materials determined to be inappropriate for telework by the Agency Head, or requiring on-site presence are not suited for telework. Telework is a privilege which may be granted in accordance with *AM 200-13 Telework Policy*. Determinations will be made by the Immediate Supervisor/Manager and/or the Agency Head.

Employees who telework shall adhere to the City’s policy and procedures governing telework as well as all other City policies, procedures, and guidelines, including the acceptable use of information technology. The employee is responsible for maintaining confidentiality and security at the alternate work location.

Section I: To be completed by the Employee

TELEWORK LOCATION AND REPORTING

Outlined below are the specific conditions for teleworking agreed upon by the participating employee and his/her supervisor(s), which must include in each instance a requirement specified by the Agency head that the teleworking employee complete a written document or report itemizing the work done and tasks performed during each teleworking day in detail reasonably satisfactory to the Agency head to be submitted in a form or format approved by the Agency head to the person designated by the Agency head promptly following the teleworking day .



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AM 200-13-1

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Telework Agreement

The employee agrees to work at the following location (include address, phone number, and e-mail address) on telework days:

Address: _____

City: _____ State: _____ Zipcode: _____

Phone Number: _____ E-Mail: _____

TELEWORK ASSIGNMENTS

Provide a brief description of the assignments or duties to be completed at the alternate location:

TELEWORK SCHEDULE

A regular telework schedule, including specific days and hours, must be established and approved by the supervisor prior to beginning a telework schedule. The employee is not to work more than the scheduled hours without advance written approval from the supervisor. The amount of time the employee is expected to work per day or per pay period will not change due to participation in the telework program.

Other circumstances may warrant approval of temporary telework use. Temporary telework may be approved for situations including, but not limited to: (1) recuperation from an injury or illness; (2) emergency weather-related conditions; (3) special work assignment(s) requiring an extended period of uninterrupted time; or (4) other circumstances deemed appropriate by the Agency Head. Because temporary telework is often by its nature not predictable, a pre-set schedule may not be appropriate or necessary.

The employee will telework:

day(s): _____ per week per month Effective Date: _____



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AM 200-13-1

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Telework Agreement

Temporary. Please briefly explain and provide timeframe: _____

Please enter your complete weekly work schedule, including days/hours/locations in and out of the office during the telework week.

Day	Hours – Include meal period and breaks for each day of your work week (i.e., 8:30 am – 4:30 pm)	Location (City or Alternate Location)
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		

WORK SPACE ENVIRONMENT

Participating employees must designate a specific work space at the alternate work location. The employee's alternate work location will be considered an extension of the City's main office location. Therefore, the City will continue to be liable for job-related accidents of employees that occur in the alternate work location during the employee's working hours. Workers' compensation liability is limited to the designated work space as opposed to all areas of the alternate work location. A photograph of the alternate location must accompany this signed agreement.

Describe in detail the specific work space at the alternate location: _____

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AM 200-13-1

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Telework Agreement

1. Is the work space free of potential hazards that could cause physical harm (frayed wires, bare conductors, loose wires, exposed wires to the ceiling, frayed or torn carpeting seams, uneven floor surfaces)?
 YES NO
2. Are electrical outlets grounded (3 pronged)?
 YES NO
3. Is the furniture being used (i.e., desk, file cabinets, shelves, bookcases) sturdy and adequate for use?
 YES NO
4. Are the rungs and legs of the chair sturdy and free of loose casters (wheels)?
 YES NO
5. Are the phone lines, electrical cords, and extension wires secured?
 YES NO
6. Is the office space neat, clean, and free of obstructions and excessive amounts of combustibles?
 YES NO
7. Is there enough light for reading?
 YES NO
8. Is a fire extinguisher easily accessible from the office space?
 YES NO
9. Is there a working (test) smoke detector within hearing distance of the workspace?
 YES NO
10. Is the area free from distractions (i.e., dependents)?
 YES NO



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AM 200-13-1

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Telework Agreement

Note any additional conditions agreed upon by the applicant and supervisor(s): _____

PRINT FORM AND FOLLOW REMAINING DIRECTIONS TO BEGIN APPROVAL PROCESS

Certifications

I certify that all information contained in this checklist is true and complete to the best of my knowledge. I understand that any erroneous, misleading or fraudulent information is sufficient grounds for my preclusion from teleworking and/or disciplinary action.

Further, I understand that this telework agreement is not an employment contract and may not be construed as such. I certify that I have read, understand, and agree to comply with the terms of the City's Telework Policy and the specific terms of this agreement.

Teleworker Signature

Date

(Approved in accordance with the considerations noted above)

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AM 200-13-1

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Telework Agreement

Section II: To be completed by the Immediate Supervisor/Manager, or Agency Head

Approved telework agreements are subject to review and renewal no less frequently than annually, twelve months from the date the arrangement began or was last renewed.

Whenever there is a change in supervision, the unit will review and determine whether to continue all alternate work schedules.

In approving this request for telework, I have considered whether:

- Service delivery to internal and external customers will be maintained;
- Operational requirements will be met;
- Adequate coverage for offices or operations will be maintained during normal periods of public service;
- Satisfactory performance of the employee is evidenced by the most recent performance evaluation;
- There will be a positive impact on the environment;
- Increased employee engagement will be supported through improved work/life balance; and/or
- There will be any budgetary impact of such a request.

Immediate Supervisor Signature
(Approved in accordance with the considerations noted above)

Date

Agency Head
(Approved in accordance with the considerations noted above)

Date

Employee Personnel Files

The City of Baltimore (“City”) recognizes that the retention and maintenance of employee personnel files for all City employees is vital to the management decisions made by Agencies.

I. PURPOSE

The purpose of this Policy is to establish guidelines on the retention, maintenance and access to personnel files of City employees as a basis for personnel decisions regarding transfer, promotions, disciplinary actions, termination, demotions, training, attendance monitoring, benefits, leave, and other personnel matters.

II. SCOPE

This Policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, temporary employees, probationary employees, seasonal employees, and contractual employees.

III. TYPE OF FILES

A. Official Personnel File

The Agency’s Human Resources Office shall be the custodian of official personnel files, which are the property of the City. There shall only be one (1) official personnel file per employee. The City’s decision on the use, maintenance, and dispersion of personnel files is final, subject to Federal, State, and Local laws and regulations. The Agency’s Human Resources Office must limit the documents in the official personnel file to:

1. Employee application that resulted in the appointment, reappointment, promotion, transfer, or demotion;
2. Employment history, including personnel action documents affecting appointment, reappointment, promotion, transfer, demotion, salary change, or other personnel action;
3. Employee identifying information and emergency contact information;
4. Payroll withholding documents;
5. Documents submitted by the employee with the employee’s application for employment or promotion to show that the employee has a degree, license, or certificate required for the current or desired job;
6. Performance evaluations for the last five (5) years;
7. Commendations; and
8. All disciplinary actions within the last three (3) years, excluding oral reprimands.

Employee Personnel Files

B. Supervisory File

Supervisors within an Agency shall maintain a file for each employee they supervise that contains documents related to the employee. A supervisor may maintain a supervisory file in an electronic format. The supervisor may include in the file:

1. Copies of records contained in the department operating record;
2. Commendations and complaints from customers concerning the employee’s job performance or conduct;
3. Notes made by the supervisor during a performance review or other counseling sessions with the employee;
4. Copies of the employee’s completed work assignments, draft documents, or work in progress; and
5. Written communications between the employee and the supervisor concerning performance or conduct issues.

A supervisor may maintain informal notes regarding performance or other information about an employee under the supervision of that supervisor. Supervisory notes are not considered part of the employee’s official personnel file and are not subject to review unless in the course of litigation against the City.

C. Medical File

Medical files shall be maintained in a separate file and are not part of an employee’s personnel file. Medical files are confidential and must be maintained in a secure location within the Agency’s Human Resources Office apart from other employee files.

D. EEO/OSHA Files

EEO and OSHA-related files shall be maintained in a separate file and are not part of an employee’s personnel file.

IV. FILE RETENTION

Employee personnel files should be retained for at least three (3) years after the employee’s separation. Arrangements should be made with the City Archivist to store records after the three (3) year retention date is passed. Documents may have different retention requirements. In cases where an employee personnel file contains reference documents for an EEO case, relevant documents should be retained for one (1) year from the final disposition of the charge or action for Title VII. Records of environmental monitoring of exposure to hazardous materials should be retained for three (3) years after exposure for the Occupational Safety and Health Act.

Employee Personnel Files

V. CONFIDENTIALITY

All employee files are confidential. Anyone handling employee files shall maintain confidentiality of the material at all times, including during the course of file transmission. Any disclosure of information maintained in the employee’s personnel file must comply with the Privacy Act of 1974 and Public Information Act.

A. Privacy Act

According to the Privacy Act, information should be collected and used for a specific purpose only. Employees must have access to any personal files about them and be permitted to review and respond to any information in their files. To protect the Agency against libel and slander suits, the following are recommended:

1. Inform employees of the types and instances of disclosure;
2. Obtain authorization from the employee before disclosing any information not required by law; and
3. Refer only to the last performance evaluation for responding to reference checks and not disclose information of a subjective nature.

B. Public Information Act (“PIA”)

Agencies may provide information on City employees upon receipt of a written inquiry. The inquiry must be written, identifying the employee, and contain precise information. The following information may be supplied as public information under the law:

1. Current and previous classifications;
2. Entry and all promotion dates;
3. Departments, Bureaus, and Divisions;
4. Types of Appointment; and
5. Dates of leaves of absence; or Salary, including merit increases.

The following information is not public information, and is therefore restricted:

1. Any information contained on an application, including address, telephone number, previous employment history, scholastic history, race, and sex;
2. Medical information;
3. Inter- or intra-agency memorandums, including returned certification and tickets;
4. Leave balances;
5. Payroll deductions;
6. Letters of reference or verification;
7. Performance appraisals;
8. Grievance history, including findings of hearings;
9. Letters, warnings, and commendations given to the employee;

Employee Personnel Files

- 10. Documents containing justification for personnel actions; and
- 11. Financial disclosure information.

Request for restricted information must be made in writing with the reason for the request and any other required authorization. All restricted information may be given to an employee's supervisor providing the supervisor's position is verified. Requests for restricted information by an attorney or a union must be accompanied by a signed release. Restricted information not contained in an employee's personnel file will not be disclosed. Agencies must consult with the Law Department prior to fulfilling the PIA request.

C. Verification of Employment

All requests for verification of employment for current or former employees must be directed to the Agency's Human Resources Office. Information about former employees shall be limited to dates of employment and job classification. Responses to written requests should be communicated in writing.

VI. SOCIAL SECURITY IDENTIFICATION

Employee personnel files or data from personnel files is characteristically stored by social security number. The Federal Privacy Act places various restrictions on Federal, State, and Local Governments request for an employee's social security number. Any governmental Agency which asks disclosure of the social security number must:

- State whether the disclosure is mandatory or voluntary;
- State what law or authority gives approval to solicit; and
- How the number will be used.

VII. TRANSFERRING EMPLOYEE PERSONNEL FILES

The employee personnel file for an employee who is transferred or promoted to a position in another Agency must be given to the receiving Agency's Human Resources Office. All informational requests should be addressed to the employee's current Agency.

VIII. EMPLOYEE'S ACCESS TO PERSONNEL FILES

At the request of an employee or designee of the employee, the Agency's Human Resources Office must allow the employee or designees to review and/or receive a copy of the official personnel file, supervisory file, or medical file. If the employee is represented by their respective Union, the Union representative may also request to access the employee's personnel file. To review and/or receipt a copy of the official personnel file, supervisory file, or medical file, the employee or designee of the employee must schedule an appointment with the Agency's Human Resources Office.

Employee Personnel Files

IX. COMPLIANCE

The Agency’s Human Resources Office shall review the record periodically to assure compliance with this Policy. Violations of this Policy may result in disciplinary action, including termination of employment.

X. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

XI. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XII. RELATED POLICIES

m ***Employment Eligibility Verification***

The City of Baltimore (“City”) is required by the Immigration Reform and Control Act of 1986 to verify the work eligibility of newly-hired employees by obtaining a completed Form I-9 Employment Eligibility Verification (“I-9 Form”) for each employee hired on or after November 6, 1986. The City shall also ensure that the retention of all I-9 Forms and supplemental documentation is in accordance with this Policy.

I. PURPOSE

The purpose of this Policy is to permit the City to inspect and verify documentation which establishes both the identity and the employment authorization of every new employee. All new employees must submit a document or combination of documents to satisfy that they are authorized to work in the United States.

II. SCOPE

This Policy applies to all individuals working for the City and is compensated for their services, including full and part-time employees, temporary employees. This Policy may apply to unpaid employees if it is determined that they will receive something of value in exchanges for their labor or services. However, this Policy is not applicable to independent contractors and their employees, interns, or volunteers.

III. REQUIREMENTS

A. I-9 Form Completion

Prospective employees are required to complete the employee portion of the I-9 Form and provide the document(s) verifying work eligibility the date the employee is hired. Prior to the hire date, a prospective employee may only be advised that an I-9 Form is to be completed and to provide documentation verifying work eligibility. To request this information during any portion of the application process can be perceived as discriminatory and may result in sanctions imposed upon the City.

B. Documentation Requirements

A list of acceptable document(s) for proof of work eligibility is available at <https://www.uscis.gov/i-9-central/acceptable-documents>. Only the employee shall designate which document(s) to submit. The Agency’s Human Resources Office may not require a specific document among those listed, nor require additional documents for completing the form, beyond those which establish identity and work authorization.

IV. HIRE DATES

A. Employees Hired Prior to November 6, 1986

Employees hired prior to November 6, 1986 are not required to complete an I-9 Form.

Employment Eligibility Verification

B. Employees Hired On or After November 6, 1986

A new employee should provide the required document(s) at the time of hiring. If the employee is unable to comply with this requirement, the employee must be given three (3) business days to produce evidence, such as a receipt verifying application for a social security card or driver's license, to prove that the employee has applied for a specific document. The employee is responsible for producing the document within 90 calendar days of hire, or else they are subject to termination. However, on or before the commencement of employment, the employee must have indicated in Section 1 of the I-9 Form of their eligibility to work in the United States.

C. Rehired Employees

An employee who is rehired is required to complete a new I-9 Form, even if the employee was originally hired after Nov. 6, 1986.

D. Employment of Minors

Information regarding the employment of Minors can be found in *AM 201-5 Work Permit for Minor (AM 201-5)*.

V. PROCESSING DOCUMENTATION

A. Completed Documentation

Prospective employees must complete an I-9 Form and provide all supplemental documents to the Agency's Human Resources Office. Supplemental documents are to be used for the purpose of establishing employment eligibility and are to be retained only with this form. Once documentation is complete and verified as correct by the Agency's Human Resources Office, the I-9 Form and supplemental documents shall be filed in accordance with this Policy and may not be placed in an employee's personnel file (See §VI. *Storage*).

B. Incomplete Documentation

If an employee is hired with incomplete documentation, the employee shall be given three (3) business days to present a receipt verifying the application for a specific document. Upon receipt of verification that an employee has applied for a specific document, the City may employ that individual for up to ninety (90) calendar days from the date of hire, without being in violation of the law. If the required documentation is not received by the Agency's Human Resources Office, a memorandum shall be issued by the Agency's Human Resources Office via mail to the employee stating that the documentation must be completed and forwarded to the Agency's Human Resources Office within ninety (90) calendar days of hire, or else the employee will be subject to termination.

C. Dated Documentation

If a work authorization expires, the I-9 Form must be updated so the employee may continue to work. The employee must either present a document that shows an extension of work eligibility, or a new grant-of-work authorization prior to the expiration date. The Agency's Human

m ***Employment Eligibility Verification***

Resources Office will retain a list of affected employees and advise the Agency Head when the document(s) are due to expire. Without an extension of work eligibility, or a new grant-of-work authorization, the employee shall be terminated.

VI. STORAGE

Due to the sensitive information contained in I-9 Forms, the forms should be maintained separately from employee personnel files. Separating I-9 Forms from personnel records also allows for ease of access to information when an Agency receives an official request. Although forms may be maintained either by paper, microfilm/microfiche, or electronically, a hard-copy I-9 Form binder is the recommended form of retention by the Agency’s Human Resources Office.

The I-9 Form and its supplemental documentation shall be retained in the Agency’s Human Resources Office for at least three years. If an employee has worked for the City for more than three years, the employee’s form shall be retained in the Agency’s Human Resources Office for one year following separation from the City. Any I-9 Forms that have retention dates that have passed should be pulled and shredded.

VII. PROHIBITED CONDUCT

The City shall not discharge a current employee, refuse to appoint a new employee, or otherwise discriminate on the basis of foreign appearance, language, or name. Discrimination against an employee or applicant on the basis of national origin may result in sanctions due to violating Title VII of the Civil Rights Act of 1964. Individuals using fraudulent identification or employment eligibility documents for the purposes of satisfying the employment eligibility requirements will face imprisonment or receive a fine, or both, in addition to termination.

VIII. COMPLIANCE

Violation of this Policy may result in disciplinary action, up to and including termination of employment. In addition, failure to comply with an official request to audit I-9 Forms within an Agency will result in certain sanctions imposed on the City.

IX. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

X. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

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AM 201-4

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Employment Eligibility Verification

XI. RELATED POLICIES

AM 201-5 Work Permit for Minor

Work Permit for Minor

The City of Baltimore (“City”) periodically hires employees’ ages 14-17 and who require a valid work permit for employment purposes.

I. PURPOSE

The purpose of this policy is to adhere to the State requirements for maintaining a valid work permit for individuals ages 14-17.

II. SCOPE

This policy applies to all City employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, probationary employees, as ages 14-17.

III. State of Maryland Requirements

It is a State of Maryland requirement that all individuals who are 14 -17 years of age have a valid work permit on file in the appropriate agency personnel office before any minor is employed by the City.

This Policy allows the minor to perform only the duties associated with the work described on the issued permit. If the minor employee transfers positions or undertakes new duties, a new work permit must be issued pertinent to the new duties.

IV. APPOINTING OFFICER RESPONSIBILITY

It is the responsibility of the prospective employee’s appointing officer to see that a valid work permit is on file prior to employment and upon change or transfer of positions. A minor cannot begin work without a valid work permit. Work permits may be found at <https://www.dllr.state.md.us/labor/wages/empm.shtml>.

V. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VI. INTERPRETATION

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VII. RELATED POLICIES

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I. PURPOSE

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II. SCOPE

This policy applies to all City employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, probationary employees, as ages 14-17.

III. State of Maryland Requirements

It is a State of Maryland requirement that all individuals who are 14 -17 years of age have a valid work permit on file in the appropriate agency personnel office before any minor is employed by the City.

This Policy allows the minor to perform only the duties associated with the work described on the issued permit. If the minor employee transfers positions or undertakes new duties, a new work permit must be issued pertinent to the new duties.

IV. APPOINTING OFFICER RESPONSIBILITY

It is the responsibility of the prospective employee’s appointing officer to see that a valid work permit is on file prior to employment and upon change or transfer of positions. A minor cannot begin work without a valid work permit. Work permits may be found at <https://www.dllr.state.md.us/labor/wages/empm.shtml>.

V. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VI. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VII. RELATED POLICIES

Compensatory Leave

DEFINITION

Compensatory leave is time off with pay granted to employees as compensation for overtime or call-back work.(See AM-205-2 for complete information concerning overtime and call-back work.)

RATE

The amount of compensatory leave received is determined by an employee's salary. Employees in the categories listed below may elect to receive compensatory leave at the time and one-half or double time rate in lieu of monetary payment for overtime or call-back work, **depending on the specifics outlined in the negotiated union contract.**

- Employees receiving C.M.E.A. benefits. who have a salary grade or flat salary equal to or less than grade 39.
- All employees receiving Local 44 benefits.
- Employees receiving M.A.P.S. benefits who have a salary grade or flat salary equal to or less than grade 109.

Employees in the following categories will receive compensatory leave in an amount equal to the amount of overtime or call-back worked:

- Employees receiving C.M.E.A. benefits who have a salary grade or flat salary equal to or greater than grade 40.
- Employees receiving M.A.P.S. benefits. who have a salary grade or flat salary equal to or greater than grade 110.

TIME AND ONE-HALF

Eligible employees will receive compensatory leave equal to 1 ½ times the amount of overtime or call-back worked during the following periods:

- During the normal workweek.
- On the employee's 6th consecutive work day in an operation where the normal work week is 5 days in a 7 day period.
- On the employee's 11th and 12th work days in an operation where the normal workweek is 10 days in a 14-day period.

Compensatory Leave**DOUBLE TIME**

Eligible employees will receive compensatory leave equal to 2 times the amount of overtime or call-back worked during the following periods:

- On the employee's 7th consecutive work day in an operation where the work week is 5 days in a 7 day period.
- On the employee's 13th and 14th work days in an operation where the workweek is 10 days in a 14-day period.

ACCUMULATION

Compensatory leave will be accumulated in ½ hour increments after 1 hour of overtime has been worked. An employee who works a full day of overtime will receive 7 hours, 20 minutes of compensatory leave (multiplied by 1½ or 2 when applicable), if his/her normal work day is 7 1/3 hours.

The maximum amount of compensatory leave that may be accumulated by an employee is 400 hours. Once an employee accumulates this maximum amount of leave, he will not be credited with any additional compensatory leave until his accumulation drops below the maximum limit.

RETENTION OF ACCUMULATED LEAVE

Accumulated compensatory leave may be retained by permanent employees who:

- Transfer from 1 agency or position to another agency or position in the classified service with no break in service.
- Are granted a leave of absence without pay and are reinstated following the expiration of such leave (or placed on a reemployment list due to lack of a vacant position).
- Are laid-off due to lack of work or funds and are subsequently rehired. (See AM-205-9 for eligibility details.)

USE

Compensatory leave must be taken in increments of ½ hour. An employee who takes a full day of compensatory leave will have 7 hours, 20 minutes subtracted from his compensatory leave balance if normal work day is 7 1/3 hours.

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AM-202-1

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Compensatory Leave

REQUESTS FOR LEAVE

An employee who wishes to use accumulated compensatory leave must obtain prior approval from his supervisor.

Compensatory leave requests for a period of 1 week or longer must normally be made 1 week in advance. Compensatory leave requests for less than 1 week must normally be made 1 workday in advance. However, these time requirements may be waived by the employee's supervisor.

HOLIDAYS

An official City holiday which occurs on an employee's compensatory leave day will not be counted as compensatory leave. However, in the event of an early closing on an employee's leave day, the employee will be charged compensatory leave as if the early closing had not occurred.

TERMINATION OF EMPLOYMENT

Employees will not receive payment for any compensatory leave, which is unused as of the date of separation from City employment.

Organ Donor Leave**SCOPE**

Organ donation leave authorizes paid permission leave to full-time and part-time permanent employees of the Mayor and City Council of Baltimore. Organ donation leave can be used without loss of any benefits to which the employee is otherwise entitled.

EMPLOYEE ELIGIBILITY

Employees are eligible for organ donation leave under the following conditions:

- The employee has been a permanent employee with the City for at least 12 months immediately preceding the period for which he/she is requesting leave.
- The employee has requested and received prior approval from the head of his/her agency.
- A request for organ donation leave must include medical documentation of the proposed organ or bone marrow donation.

EXTENT OF LEAVE

Employees may use organ donation leave up to the following limits:

- Seven (7) days in any 12-month period to be a bone marrow donor
- Thirty (30) days in any 12-month period to be an organ donor

CONTINUATION OF BENEFITS

If an employee needs to extend the organ donor leave period beyond the maximum amount specified above, he/she may use accrued sick leave or other approved leave time, consistent with applicable leave policies. The use of sick leave in this case will not count as an occurrence if it is used immediately following the organ donation leave.

PAYROLL MARKINGS

The PAYROLL ATTENDANCE RECORD (147-019) is to be marked "P" in the appropriate blocks corresponding to the day(s) of absence due to organ or bone marrow donation. In the "Remarks" column next to the employee's name, one of the following is to be noted: 1) bone marrow donation; or 2) organ donation.

NOTIFICATION TO SUPERVISOR

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Organ Donor Leave

An employee must notify his/her supervisor in advance by submitting a REQUEST FOR TIME OFF (28-1408-5040). Medical documentation must accompany the leave slip or be submitted as soon as possible and prior to any time off. Approval of the agency head is mandatory before the employee takes time off.

RELATED POLICIES

AM-202-1 Compensatory Leave

AM-204-4 Personal Leave

AM-204-2 Vacation Leave

[AM-204-14](#) Sick Leave

CITY OF BALTIMORE
FAMILY AND MEDICAL LEAVE
RECERTIFICATION OF HEALTH CARE PROVIDER

-----To Be Completed by Employer-----

- 1. Employee's Name:
2. Patient's Name (if different from employee):
3. Date of original certification:
4. Dates of FMLA leave taken since original certification:

-----To Be Completed by Physician-----

Changes in Condition: Has Patient's condition (check one)

- Stayed the same
Improved
Deteriorated

If condition has improved,

Yes No

- Will additional treatments for this condition be necessary?
Is the patient able to care for him or herself?
Is patient, if city employee, able to return to a regular work schedule?

Omit The Following Section if the Patient is not a City Employee

If the condition has deteriorated or stayed the same,

Yes No

- Are there any physical limitations?
Will additional treatments be necessary for this condition?
Is it necessary for employee to work intermittently or work a reduced schedule (hours per day or days per week) in order to receive proper treatment for this health condition?

Physician's Signature: Date:
Physician's Printed Name:
Physician's Telephone Number:

I, _____, give permission for my physician to release the above information to my employer.

Employee Signature

Date

Family and Medical Leave

Employees may be entitled to take a leave of absence under the *Family and Medical Leave Act of 1993* (FMLA), 29 U.S.C. § 2601. This policy describes the procedures City agencies and employees should follow when requesting, approving and administering FMLA leave. This policy shall be interpreted and applied in a matter consistent with the U.S. Department of Labor's FMLA regulations at 29 C.F.R. Part 825.

1. ELIGIBILITY FOR LEAVE

FMLA leave is available to all eligible employees where such leave is used for an FMLA-qualifying reason. To be "eligible" for FMLA leave, an employee must have: 1) been employed by the City for at least 12 months; and 2) worked at least 1,250 hours in the twelve months prior to the commencement of leave.

The required 12 months of employment need not be consecutive, provided any break in service is for a period of less than 7 years. When calculating the 1,250-hour requirement, all time worked will be counted, including overtime hours. Paid and unpaid time off will not count toward the 1,250-hour requirement, with the exception of periods of military leave.

2. QUALIFYING REASONS FOR LEAVE

An eligible employee may take up to 12 weeks of unpaid FMLA leave during a rolling twelve-month period for any of the following reasons:

- a) The serious health condition of the employee;
- b) The birth or care of an employee's newborn child;
- c) The adoption or placement of a child with an employee for foster care;
- d) The serious health condition of an employee's immediate family member (*e.g.* spouse, child or parent); or
- e) A "qualifying exigency" in connection with a family member's active duty military service overseas or in support of a contingency operation (Qualifying Exigency Leave).

In addition to the basic FMLA leave entitlement discussed above, eligible employees may also take up to 26 weeks of leave per leave year for the care of a covered military service member or veteran with a serious service-connected injury or illness (Military Caregiver Leave). Military Caregiver Leave may not exceed 26 weeks even when combined with other FMLA-qualifying

Family and Medical Leave

leaves.

When an employee and his or her spouse both work for the City of Baltimore, each will be limited to a combined total of 12 weeks of leave in a leave year for the following reasons: 1) for the birth of the employee’s child or to care for the child after birth; 2) the placement of a son or daughter with the employee for adoption or foster care or to care for a child after placement; and 3) to care for the employee’s parent with a serious health condition. Leave taken for other qualifying reasons will not count toward the combined limitation. Likewise, spouses who seek FMLA leave to care for a covered military service member or veteran are limited to a combined 26 weeks of leave.

For example, a married couple employed by the City may take up to a total 12 weeks of FMLA leave between them for the birth of a healthy child. However, the same couple may each take up to 12 weeks of FMLA leave to care for a child with a serious health condition, provided they have not already exhausted their FMLA leave entitlement for the leave year.

3. ROLLING LEAVE YEAR

The City of Baltimore uses a “rolling backward” method for calculating the 12-month FMLA leave entitlement, meaning City agencies will look back 12 months from the date the employee is expected to start a new period of FMLA leave to determine leave eligibility and whether the employee has already exhausted his or her leave entitlement for the 12-month period (or “leave year”).

For example, if an employee requests five weeks of FMLA leave starting on December 5, 2013, the agency will look back 12 months from that date to see whether the employee has already used the maximum amount of FMLA leave to which he or she would be entitled. If not, the employee will be permitted to use the balance of any remaining leave.

4. CONDITIONS OF LEAVE

FMLA leave usually will be taken for a period of consecutive days, weeks or months. Employees may also take FMLA leave on an intermittent or reduced leave schedule basis either when medically necessary or for qualifying exigencies. When intermittent leave or a reduced schedule is requested, the City may in its discretion temporarily transfer the employee to an equivalent position (with equivalent pay and benefits) that would better accommodate recurring periods of leave.

FMLA leave will be tracked in increments of 30 minutes, unless otherwise provided in an applicable labor agreement. Agencies may not require employees to take (and employees shall

Family and Medical Leave

not use) more leave than is needed to address the circumstances that prompted the leave request. While on FMLA leave, employees must use any accrued vacation, personal, compensatory and sick leave, as appropriate. Paid leave must be used in accordance with applicable City leave policies and labor agreements.

The substitution of paid leave does not extend the length of an FMLA leave, and the paid time off will run concurrently with an employee's FMLA entitlement. Likewise, leaves taken in connection with a disability leave plan or workers' compensation shall run concurrently with any FMLA leave entitlement.

The substitution of paid sick leave will be authorized only in connection with an employee's own serious health condition or the employee's need for pre- or postnatal health care. An employee may also use up to 5 days of paid sick leave for the care of a family member with a serious health condition or for adoption or the placement of a child in foster care.

Employees of the Baltimore City Fire Department should refer to the department's internal policies and procedures governing the use of paid leave for FMLA purposes. Where a conflict exists, the department's own internal policies and procedures shall apply.

5. CONTINUATION OF BENEFITS

While an employee is on FMLA leave, the City will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work. Under current City policy, employees pay a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make these premium payments through direct billing with the Employee Benefits Division – Premium Billing. The City will continue to pay the employer portion of the premiums for up to 6 bi-weekly pay periods or 12 weekly pay periods (or up to 13 bi-weekly/26 weekly pay periods in the case of Military Caregiver Leave). At the end of this period, the employee will be required to pay 100% of the health benefits premium cost.

Where premium payments made through direct billing are more than 30 days late, the City may terminate the employee's health coverage for the duration of leave. The City will provide the employee at least 15 days advance written notice before terminating coverage. The coverage will be reinstated the first day following the employee's return to work, with no waiting periods or pre-existing condition exclusions, provided the employee contacts Employee Benefits within 60 days of return.

If an employee chooses not to return to work for reasons other than a continued serious health condition or a circumstance beyond the employee's control, the City will require the employee to

Family and Medical Leave

reimburse the City the amount paid for the employee’s health premiums during any unpaid portion of the leave. If at any time (either before or during leave) an employee gives notice of intent not to return to work, health benefits will be discontinued.

Employees on FMLA leave are entitled to other benefits to the same extent they are provided to employees on comparable forms of leave. Employees will continue to accrue vacation, personal and sick leave, for example, as long as they remain in pay status. Employees on FMLA leave also may continue their group life insurance coverage during the leave.

6. SERIOUS HEALTH CONDITION

A serious health condition refers to a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that prevents the employee (or a covered family member) from working, attending school or participating in daily activities. Subject to certain conditions, the “continuing treatment” requirement may be met by a period of incapacity of more than three consecutive calendar days combined with: 1) at least two visits to a health care provider within 7 days of incapacity; or 2) one visit and a regiment of continuing treatment under the supervision of a healthcare provider.

A serious health condition also refers to any period of incapacity or treatment connected with pregnancy or a chronic, long-term or permanent medical condition.

7. COVERED FAMILY MEMBERS

FMLA leave to care for a family member with a serious health condition is limited to a spouse, parent or child. The term “child” refers to a biological child, adopted child, foster child, stepchild, legal ward or the child of a person standing *in loco parentis* (in the place of a parent) who is:

- a) Under the age of 18; OR
- b) Age 18 or older and incapable of self-care due to a mental or physical disability.

A covered parent includes a biological, adopted, step or foster parent or any individual who stands or stood *in loco parentis* when the employee was a son or daughter as described above. A parent “in-law” is not covered.

Employees must provide appropriate documentation confirming the existence of a family relationship or the age of a child, such as a birth or marriage certificate, court document or a written statement of a qualifying family relationship.

8. LEAVE FOR BIRTH, ADOPTION OR PLACEMENT FOR FOSTER CARE

Both parents may take FMLA leave for the birth or care of a newborn child. The mother also may take FMLA leave for incapacity due to pregnancy, for pre- or postnatal health care or for a serious health condition following birth. In the case of adoption and placement for foster care, employees may take FMLA leave before the actual placement or adoption if an absence from work is required for the placement or adoption to proceed.

An employee may not take leave on an intermittent or reduced work schedule basis after placement or birth, unless such arrangements are needed in connection with a serious health condition or are otherwise authorized by the employing agency. An employee's entitlement to leave for birth, adoption or placement for foster care expires 12 months following the date of birth, adoption or foster care placement.

9. QUALIFYING EXIGENCY LEAVE

The purpose of Qualifying Exigency Leave is to allow employees with close family members serving in the Armed Forces overseas to take time off from work to address common challenges that arise in connection with a deployment.

Agencies may grant Qualifying Exigency Leave to any eligible employee (*e.g.* a parent, spouse or child of a military service member) for exigencies that arise out of an active duty deployment overseas or in connection with a call or impending call or order to active duty service overseas. Such leave is available to members of the Regular Armed Forces who are deployed to a foreign country, as well as members of the National Guard and Reserves who are either deployed with the Armed Forces to a foreign country or under a federal call or order to active duty in support of a contingency operation.

Qualifying Exigency Leave may be granted for any of the following reasons: a) to address issues that arise from a short-notice deployment (up to seven days); b) to attend official military events, briefings and programs; c) to provide or arrange for child care on an urgent, immediate need basis; d) to enroll or transfer a child to a new school or day care and attend school-related meetings; e) to make or update financial and legal arrangements; f) to attend counseling; g) to care for a service member's parent who is incapable of self-care on an urgent, immediate need basis (or arranging for such care); h) to attend arrival ceremonies, reintegration briefings and other post-deployment activities; i) to address issues that arise from the death of the military member while on active duty; and j) other events that arise out of an overseas deployment or contingency operation, as agreed upon by the agency and the employee.

In addition, an eligible employee may take up to 15 calendar days of Qualifying Exigency Leave per leave year to spend time with a military member who is on short-term, temporary Rest and

Family and Medical Leave

Recuperation leave during a covered military deployment. An employee who requests leave for this purpose must provide a copy of the military member's Rest and Recuperation leave orders.

10. MILITARY CAREGIVER LEAVE

Military Caregiver Leave provides eligible employees with up to 26 weeks of leave per leave year to care for a covered service member or veteran with a serious service-connected injury or illness. To qualify for Military Caregiver Leave, an eligible employee must be the spouse, parent or child (any age) of the covered service member or veteran or the next of kin.

Covered service members include current members of the Armed Forces and members of the National Guard or Reserves who are: a) undergoing medical treatment, recuperation or therapy for a serious illness or injury; b) in outpatient status; or 3) on the temporary disability retired list. Leave to care for a covered veteran (a former member of the Armed Forces or the National Guard or Reserves) may be taken for up to 5 years following discharge from the military, provided the veteran's release from duty was under conditions other than dishonorable. Serious injury or illness in the case of a veteran includes:

- a) The continuation of a serious injury or illness suffered while serving as a member of the Armed Forces and which has rendered the veteran unable to perform military duties;
- b) A physical or mental condition for which the veteran received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50% or greater;
- c) A physical or mental condition that substantially impairs the veteran's ability to secure or maintain substantially gainful occupation; or
- d) An injury (including psychological injury) that serves as the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. REQUESTING FMLA LEAVE

Employees who wish to take FMLA leave must timely notify their agencies of the need for FMLA leave and the anticipated timing and duration of the leave, if known. When the need for leave is foreseeable, employees must provide at least 30 days advance notice. When 30 days' notice is not possible, or the need for leave is not foreseeable, employees must provide notice as soon as practicable under the circumstances – generally the same or the next business day. Employees should complete an *FMLA Leave Request Form* (AM-203-2-1) in application for

Family and Medical Leave

leave.

Calling in “sick” without providing reasons for needing leave will not be considered sufficient notice for FMLA leave under this policy, and employees are expected to respond to questions designed to determine if an absence is potentially FMLA-qualifying. Employees who seek to use previously approved FMLA leave must specifically reference the FMLA-qualifying reason when calling in. Leave may be delayed or denied where an employee fails to adequately explain the reasons for the leave.

Employees must follow departmental call-in procedures when requesting FMLA leave, absent unusual circumstances. Where an employee fails to comply with these procedures, and no unusual circumstances justify the failure to comply, leave may be delayed or denied and the employee may be subject to discipline.

In the case of planned medical treatment, employees must make a reasonable effort to schedule treatment so as not to disrupt the operations of the agency. Employees must consult with their supervisors prior to scheduling treatment in order to work out a treatment schedule that best suits the needs of both the agency and the employee, subject to the approval of an employee’s health care provider.

Employees on FMLA leave are expected to be reasonably responsive to and communicate with their agencies during the leave and may be required to check in periodically (*e.g.* at least once each month) regarding their status and intent to return to work.

12. PROCESSING LEAVE REQUESTS

When an employee requests FMLA leave, or when an agency acquires knowledge that an employee’s leave may be for an FMLA-qualifying reason, the agency must notify the employee within 5 business days of his or her eligibility to take FMLA leave, absent extenuating circumstances preventing timely notice. Agencies shall provide notice using the *Notice of Eligibility and Rights & Responsibilities* (AM-203-2-2) form.

The *Notice of Eligibility and Rights and Responsibilities* should be accompanied by any required certification forms. Once the agency has enough information to determine whether an eligible employee is requesting leave for an FMLA-qualifying reason, the agency must notify the employee whether the leave will be designated as FMLA leave. The agency will provide this notice within 5 business days by delivering to the employee a completed *Designation Notice* (AM-203-2-3).

In any instance where the employer does not have sufficient information about the reason for an employee’s use of leave, the agency should inquire further of the employee to ascertain whether

Family and Medical Leave

leave is potentially FMLA-qualifying.

13. CERTIFICATION REQUIREMENTS

Depending on the nature of the leave sought, employees will be required to submit appropriate certification supporting the need for FMLA-qualifying leave. When leave is requested in connection with a serious health condition, for example, the request must be supported by medical certification from a health care provider. In the case of the employee's own serious health condition, the employee must return a completed *Certification of Health Care Provider for Employee's Serious Health Condition* (AM-203-2-4). In the case of a family member's serious health condition, the employee must return a completed *Certification of Health Care Provider for Family Member's Serious Health Condition* (AM-203-2-5).

Certification and other supporting documentation also will be required to take Qualifying Exigency Leave, *Certification of Qualifying Military Exigency* (AM-203-2-8) and Military Caregiver Leave, *Certification of Health Care Provider for Military Caregiver Leave – Service member* (AM-203-2-6) or *Certification of Health Care Provider for Military Caregiver Leave – Veteran* (AM-203-2-7).

It is the employee's responsibility to provide the agency with timely, complete and sufficient certification. Whenever possible, employees should submit the completed certification at the time leave is requested. In any event, employees must provide the certification within 15 calendar days once it is requested by the agency, absent extenuating circumstances. Agencies may deny FMLA leave to an employee who fails to provide certification in a timely manner. When it is necessary to verify that the information contained in a medical certification was authorized by the health care provider, or to understand the handwriting or meaning of a response, an agency HR Representative or management official (other than a direct supervisor) may contact the employee's health care provider to obtain verification or clarification. If the employee refuses to permit such contact, the agency may deny the leave if the certification is unclear.

When a certification is incomplete or insufficient, the agency may reject the certification and give the employee at least 7 calendar days to cure any deficiencies. When rejecting a certification, the agency must provide the employee with a letter that describes what additional information is needed to make the certification complete and sufficient. If the employee fails to cure deficiencies in a timely manner, the agency may delay or deny the leave request. If in the case of an employee's own serious health condition or that of a family member an agency has reason to doubt the medical certification, it may require a second medical opinion. If the opinions of the initial and second health care providers differ, the agency may require a third, final and binding certification from a health care provider jointly approved by the agency and the employee. The agency must conditionally approve the employee's leave request pending the

Family and Medical Leave

outcome and bear the expense of acquiring the second and/or third medical opinion (including reasonable out-of-pocket travel expenses connected with the appointment). Agencies may not require a second or third opinion when Military Caregiver Leave has been requested.

14. RECERTIFICATION

Agencies shall require employees to recertify the need for FMLA leave for a serious health condition of the employee or a family member: 1) whenever the expected minimum duration of leave expires; or 2) at least every six months in connection with an absence. Agencies may also request recertification when:

- a) The employee requests an extension of the leave;
- b) Circumstances described in the employee’s current certification have changed significantly (such as the duration or frequency of absences or the nature or severity of the illness); or
- c) Information is received that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification.

Agencies may not request recertification in the case of Military Caregiver Leave. Agencies should use the appropriate recertification form: *Recertification of Employee’s Serious Health Condition* (AM-203-2-9) or *Recertification of Family Member’s Serious Health Condition* (AM-203-2-10). Agencies shall give employees at least 15 calendar days to return the recertification.

Where recertification is prompted by changed circumstances or doubts about the continuing validity of the existing certification, the agency shall give the health care provider the employee’s FMLA attendance record to help him or her determine whether leave usage is consistent with the serious health condition in question.

15. RETURN TO WORK

At the end of FMLA leave, the employee will be restored to the same position held prior to leave or a position with equivalent pay, status, benefits and other employment terms, subject to certain exceptions. An agency may in its discretion elect not to return certain “key” employees, for example, if doing so would cause grievous and economic harm to the agency. Similarly, an agency may deny reemployment if there has been an intervening layoff that would have included the employee’s position.

Family and Medical Leave

An employee returning to work following his or her own serious health condition must provide a *Fitness For Duty Certification of Health Care Provider* (AM-203-2-11) form completed by the health care provider. The certification must confirm the employee’s ability to resume work and to perform all essential job functions. Agencies may delay or deny job restoration until the employee returns the completed certification.

Agencies shall notify employees of this requirement at the start of leave by so indicating on the employee’s *Designation Notice*. Where appropriate, agencies should also include a list of the essential functions of the employee’s position for use by the health care provider in determining the employee’s readiness to return to work.

16. DISCRIMINATION PROHIBITED

This policy prohibits discrimination against an individual for having exercised the right to take FMLA leave and prohibits unlawful interference with an individual’s FMLA rights. In addition, this policy prohibits illegal retaliation against someone who has made an FMLA-related complaint or who has participated in the investigation of a complaint.

Concerns about discrimination, interference or retaliation under this policy should be immediately reported to the employing agency’s Equal Opportunity Compliance (EOC) Officer or an HR Representative.

FMLA LEAVE REQUEST FORM

(FAMILY AND MEDICAL LEAVE – AM-203-2-1)



Section I: Employee Information

Employee's Full Name _____ Job Title _____

Agency/Bureau/Division _____

Phone _____ Email _____

Is your spouse employed by the City of Baltimore? Yes No

If yes, please provide the following:

Spouse's Name _____	Employing Agency _____
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Section II: Leave Request Information

Dates requested for leave of absence: FROM _____ THROUGH _____

Reason(s) for leave:

- The birth of a child and/or care of a newborn child.
- Placement of a child for adoption or foster care.
- To care for a family member (spouse, child or parent) with a serious health condition.
- Unable to perform one or more essential job function because of a serious health condition.
- Spouse, child, parent or next of kin is a covered service member or veteran with a serious service-connected injury or illness.
- Qualifying exigency arising out of the fact that a spouse, child or parent is on active duty (or call to active duty status) with the Armed Forces overseas or in support of a contingency operation.

Type of Leave Requested:

- Continuous Intermittent Reduced Schedule

Describe the Intermittent/Reduced Leave schedule, if requested:

Section III: Employee Verification

Employee Signature _____ Date _____

**NOTICE OF ELIGIBILITY
AND RIGHTS AND RESPONSIBILITIES**
(FAMILY AND MEDICAL LEAVE – AM-203-2-2)



Date: [Date]

To: [Employee Name] _____

From: [Agency HR Contact] _____

Section I: Notice of Eligibility

On [date], you requested Family and Medical Leave beginning on [date] for:

- The birth of a child and/or care of a newborn child.
- Placement of a child for adoption or foster care.
- To care for a family member (spouse, child or parent) with a serious health condition.
- Unable to perform one or more essential job functions because of a serious health condition.
- Spouse, child, parent or next of kin is a covered service member or veteran with a serious injury or illness.
- Qualifying exigency arising out of the fact that a spouse, child or parent is on active duty (or call to active duty status) with the Armed Forces overseas or in support of a contingency operation.

This notice is to inform you that you:

- Are eligible for FMLA leave (See Section II below).
- Are **not** eligible for FMLA leave because:
 - You have not met the FMLA 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately _____ months toward this requirement.
 - You have not met the FMLA 1,250-hours worked requirement.

Section II: Rights and Responsibilities

As explained in Section I, you meet the eligibility requirements for taking FMLA leave and have FMLA leave available during the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by [date].** If a certification is requested, you have at least 15 calendar days from receipt of this notice to return the certification to us. Additional time may be allowed in some extenuating circumstances. If sufficient information is not provided in a timely manner, your leave may be denied.

- Please provide sufficient certification to support your request for FMLA leave.
 - A certification form that sets forth the information necessary to support your request is enclosed.
- Please provide sufficient documentation to establish the required relationship between you and your family member.
- Other information needed:

If your leave does qualify as FMLA leave, you will have the following responsibilities while on FMLA leave:

- Contact the Employee Benefits Division at (410) 396-5830 to make arrangements to continue paying your share of the premium on your health insurance to maintain health benefits while you are on unpaid leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date your health coverage will lapse.
- You will be required to use your available paid [sick], [vacation], [compensatory], [personal], and/or [other paid] leave during your FMLA absence. This means you will receive your paid leave, and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.
- Due to your status within Baltimore City government, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We [have]/[have not] determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.
- While on leave, you will be required to furnish us with periodic reports of your status and intent to return to work as often as every 30 days.

If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave, you will have the following rights while on FMLA leave:

- You have a right under the FMLA to take up to 12 weeks of leave in a 12-month period, calculated as the 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of leave in a single 12-month period to care for a covered service member or veteran of the Armed Forces with a serious, service-connected injury or illness. This single 12-month period commenced on [date].
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits and terms and conditions of employment upon your return from FMLA-protected leave (if your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA).
- If you do not return to work following FMLA leave, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave, unless you did not return for one of the following reasons:
 - 1) The continuation, recurrence or onset of a serious health condition.
 - 2) The continuation, recurrence or onset of a serious injury or illness connected with military service.
 - 3) Other circumstances beyond your control.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have sick, vacation, and/or other paid leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements as set forth in the City's Administrative Manual or an applicable Labor Agreement. These policies are available on the City's Intranet site for the Department of Human Resources and the Office of the Labor Commissioner.

Once we obtain the information from you as specified above, we will inform you within 5 business days whether your leave will be designated as FMLA leave and count toward your FMLA leave entitlement.

If you have any questions, please do not hesitate to contact [HR Contact Name and Phone Number].

DESIGNATION NOTICE

(FAMILY AND MEDICAL LEAVE – AM-203-2-3)



TO BE COMPLETED BY AGENCY

Date: [Date]

To: [Employee Name]

From: [Agency HR Contact]

We have reviewed your request for leave under the Family and Medical Leave Act (FMLA) and supporting documentation. We received your most recent information on [date] and have determined:

- Your FMLA leave request is approved: **See Section I.**
- Additional information is needed to determine if your request can be approved: **See Section II.**
- Your FMLA leave request is not approved: **See Section III.**

Section I: FMLA Leave Approved

All leave taken for this reason will be designated as FMLA leave. You have been approved to use FMLA leave in the following manner:

- Continuous basis beginning on: [date]; Return to Work Date: [date]
- Intermittent basis beginning on: [date]; Return to Work Date: [date]

Details:

- The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended.
- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement: _____.
- Because the leave you need will be unscheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).
- In accordance with the City's leave policies, you are required to substitute or use accrued paid leave during your FMLA leave.
- During leave, you may be asked to provide a medical recertification from your health care provider. You will be notified when recertification is required.
- You will be required to present a fitness-for-duty certification to be restored to employment. If we do not receive this certification in a timely manner, your return to work may be delayed. A list of the essential functions of your position is attached. The fitness-for-duty certification must address your ability to perform these functions.

- While on leave, you may choose to continue your health benefits. For as long as you remain in pay status, your portion of the premiums will be deducted from your paycheck as usual. While on unpaid leave, you must continue to make these payments through direct billing. Where payments are more than 30 days late, your group health insurance may be cancelled. The City will continue to pay the employer portion of the premiums for up to 6 bi-weekly pay periods or 12 weekly pay periods (or up to 13 bi-weekly/26 weekly pay periods in the case of Military Caregiver Leave).
- You may be required to reimburse the City for the employer's share of health insurance premiums paid on your behalf during your leave if you do not return to work following the leave, unless you cannot return due to a serious health condition or other circumstances beyond your control.
- If you have a Healthcare Flexible Spending Account (Healthcare FSA), it may be continued during an FMLA leave of absence. Contributions to your account will be taken via normal payroll deduction for as long as you remain in pay status. If you enter non-pay status, you will have to make after-tax contributions to your Healthcare FSA in order to remain enrolled.
- A Dependent Care FSA cannot be continued while you are in an unpaid status.

Section II: Additional Information Required

- The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request.
- You have not provided documentation supporting an FMLA-covered relationship.
- We are exercising our right to have you obtain a second or third opinion medical certification at our expense.

Section III: FMLA Leave Not Approved

- The FMLA does not apply to your leave request.
- You have exhausted your FMLA leave entitlement in the applicable 12-month period.

**CERTIFICATION OF HEALTH CARE PROVIDER
EMPLOYEE'S SERIOUS HEALTH CONDITION**
(FAMILY AND MEDICAL LEAVE – AM-203-2-4)



Section I: To be Completed by the Employee

Employee's Full Name

Job Title

Agency/Bureau/Division

Regular Work Schedule

Phone

Email

Section II: To Be Completed by the Health Care Provider

Your patient has requested leave under the *Family and Medical Leave Act* (FMLA). Please answer the questions in this certification form fully and completely. Make sure to sign the last page. Several questions ask you to describe the frequency or duration of a condition, treatment, etc. You should provide your best estimate, based upon your medical knowledge, experience and examination of the patient. Please be as specific as you can—terms such as “lifetime,” “unknown” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

The *Genetic Information Nondiscrimination Act* (GINA) prohibits employers from requesting or requiring genetic information of an individual or a family member of the individual, except as specifically allowed by law. In order to comply, we are asking that you not provide any genetic information when completing this medical certification. GINA defines “genetic information” to include family medical history, the results of genetic tests, the fact that an individual or family member has requested or received genetic services or the genetic information of a fetus or embryo.

Health Care Provider's Name

Name of Practice/Health Care Facility

Business Address

Type of Practice/Specialty

Phone

Fax

Section II, Part A: Medical Facts

Approximate Date Condition Commenced

Probable Duration of Condition

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?..... Yes No

If yes, please provide dates of admission:

Dates you treated the patient for the condition:

Will the patient need to have treatment visits at least twice per year due to the condition?..... Yes No

Was medication, other than over-the-counter medication, prescribed? Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment? Yes No
(e.g., physical therapist, etc.)

If yes, state the nature of such treatments and expected duration of treatment:

Is the medical condition pregnancy?..... Yes No

If yes, please provide expected delivery date: _____

Is the employee unable to perform any of his/her job functions due to the condition? Yes No

If yes, identify the job functions the employee is unable to perform and specify the probable duration:

Describe other relevant medical facts related to the condition for which the employee seeks leave:

(Such medical facts may include, for example, symptoms, diagnosis and any regimen of continuing treatment.)

Section II, Part B: Amount of Leave Needed

Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity:

_____ Beginning Date

_____ Ending Date

Is it medically necessary for the employee to take leave intermittently?..... Yes No

If yes, explain why and state the probable frequency/duration of intermittent absences:

Will the employee need to attend follow-up treatment appointments?..... Yes No

If yes, estimate treatment schedule, including dates or frequency of scheduled appointments and time required for each appointment—including any recovery period:

Will the condition cause episodic flare-ups? Yes No

If yes, is it medically necessary for the employee to be absent from work during flare-ups?..... Yes No

Please explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may experience over the next 6 months
(e.g., 1 episode every 3 months, lasting 1-2 days):

Frequency: _____ times per every _____ week(s)/ _____ month(s)

Duration: _____ hours OR _____ day(s) per episode

Is it medically necessary for the employee to work a part-time or reduced work schedule?..... Yes No

If yes, explain why and for how long:

Estimate the reduced work schedule:

_____ hours per day, _____ days per week

Section II, Part C: Additional Information

Please provide any additional information relevant to the condition for which the employee is requesting leave. Attach additional sheets if necessary.

Section III: Health Care Provider Verification

Signature of Health Care Provider

Date

**CERTIFICATION OF HEALTH CARE PROVIDER
FOR MILITARY CAREGIVER LEAVE – VETERAN**
(FAMILY AND MEDICAL LEAVE – AM-203-2-6)



Section I: To be Completed by the Employee

Employee's Full Name _____ Job Title _____

Agency/Bureau/Division _____

Regular Work Schedule _____

Phone _____ Email _____

Name of veteran for whom care will be provided _____

The veteran is the employee's:

- Parent Spouse Child Next of kin (specify): _____

Date of the veteran's discharge from military _____

Military branch, rank and unit at time of discharge _____

Was the veteran **dishonorably** discharged or released from the Armed Forces, the National Guard or Reserves?
..... Yes No

Is the veteran receiving medical treatment, recuperation or therapy for an injury or illness? Yes No

Describe the care you will provide to the veteran and estimate the amount of leave necessary to provide such care:

I affirm that, to the best of my knowledge, the above information contains no false or misleading statements.

Employee Signature _____

Date _____

(Form continues)

Section II: To Be Completed by the Health Care Provider

The employee named in Section I has requested leave under the *Family and Medical Leave Act* (FMLA) to care for a seriously ill or injured family member who is a veteran. A serious injury or illness means one that is incurred in the line of duty while on active duty in the Armed Forces (or a preexisting condition that was aggravated while on active duty).

In order for the leave request to be approved, the employee must provide a complete and sufficient certification. Please answer the questions in this certification form fully and completely. Make sure to sign the last page. Several questions ask you to describe the frequency or duration of a condition, treatment, etc. You should provide your best estimate, based upon your medical knowledge, experience and examination of the patient. Please be as specific as you can—terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the veteran’s condition for which the employee is seeking leave.

Health Care Provider’s Name

Name of Practice/Health Care Facility

Business Address

Type of Practice/Specialty

Phone

Fax

Indicate whether the provider is:

- DOD health care provider
- VA health care provider
- DOD TRICARE network authorized private health care provider
- DOD non-network TRICARE authorized private health care provider

Section II, Part A: Medical Status

If you are unable to make certain military-related determinations contained in this Part, you may rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative.

The veteran’s medical condition is:

- A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the veteran unable to perform the duties of the his/her office, grade, rank or rating.
- A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.
- A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment.
- An injury, including a psychological injury, on the basis of which the veteran is enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers.

Is the veteran being treated for a condition that was incurred or aggravated by service in the line of duty while on active

Approximate Date Condition Commenced

Probable Duration of Condition and/or Need for Care

Is the covered veteran undergoing medical treatment, recuperation or therapy for this condition? Yes No

If yes, describe medical treatment, recuperation or therapy:

Section II, Part B: Veteran's Need for Care by Family Member

The term "care" refers to both physical and psychological care. It includes situations where, for example, the veteran is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance that would be beneficial to the veteran who is receiving inpatient or home care.

Will the veteran need care for a single, continuous period of time due to his/her condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of time:

 Beginning Date

 Ending Date

Will the veteran require periodic follow-up treatment or appointments? Yes No

If yes, estimate the treatment schedule, including the dates or frequency of any scheduled appointments and the time required for each appointment, including any recovery period:

Is there a medical necessity for the veteran to have care for these periodic follow-ups? Yes No

Is there a medical necessity for the veteran to have periodic care for other-than-scheduled follow-up treatment or appointments? Yes No

(e.g. episodic flare-ups of medical condition)

If yes, estimate the frequency and duration of periodic care:

Section III: Health Care Provider Verification

Signature of Health Care Provider

Date

**CERTIFICATION OF HEALTH CARE PROVIDER
FOR MILITARY CAREGIVER LEAVE – SERVICEMEMBER**
(FAMILY AND MEDICAL LEAVE – AM-203-2-7)



Section I: To be Completed by the Employee

Employee's Full Name _____ Job Title _____

Agency/Bureau/Division _____

Regular Work Schedule _____

Phone _____ Email _____

Name of servicemember for whom care will be provided _____

The servicemember is the employee's:

- Parent Spouse Child Next of kin (specify): _____

Is the servicemember a current member of the Regular Armed Forces, the National Guard or Reserves?..... Yes No

If yes, provide military branch, rank and unit _____

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)? Yes No

If yes, please provide the name of the medical treatment facility or unit:

Is the servicemember on the Temporary Disability Retired List (TDRL)? Yes No

Describe the care you will provide to the servicemember and estimate the amount of leave necessary to provide such care:

I affirm that, to the best of my knowledge, the above information contains no false or misleading statements.

Employee Signature _____ Date _____

(Form continues)

Section II: To Be Completed by the Health Care Provider

For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is: 1) a United States Department of Veterans Affairs (VA) health care provider; 2) a DOD TRICARE network authorized private health care provider; 3) a DOD non-network TRICARE authorized private health care provider; or 4) a health care provider as defined in 29 C.F.R. §825.125.

The employee named in Section I has requested leave under the *Family and Medical Leave Act* (FMLA) to care for your patient. In order for the leave request to be approved, the employee must provide a complete and sufficient certification.

Please answer the questions in this certification form fully and completely. Make sure to sign the last page. Several questions ask you to describe the frequency or duration of a condition, treatment, etc. You should provide your best estimate, based upon your medical knowledge, experience and examination of the patient. Please be as specific as you can—terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember’s condition for which the employee is seeking leave.

Health Care Provider’s Name

Name of Practice/Health Care Facility

Business Address

Type of Practice/Specialty

Phone

Fax

Indicate whether the provider is:

- DOD health care provider
- VA health care provider
- DOD TRICARE network authorized private health care provider
- DOD non-network TRICARE authorized private health care provider
- A health care provider as defined in 29 C.F.R. §825.125

Section II, Part A: Medical Status

If you are unable to make certain military-related determinations described below, you may rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).

The servicemember’s medical condition is classified as (check one):

- (VSI) Very Seriously Ill/Injured:** Illness/injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately (*NOTE: this is an internal DOD casualty assistance designation used by DOD health care providers*).
- (SI) Seriously Ill/Injured:** Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside (*NOTE: this is an internal DOD casualty assistance designation used by DOD healthcare providers*).
- OTHER Ill/Injured:** A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank or rating.

family member with a “serious health condition.” Employee should contact a human resources representative to request the appropriate certification form.

Was the condition for which the servicemember is being treated incurred in the line of duty while on active duty in the Armed Forces? Yes No

Approximate Date Condition Commenced _____

Probable Duration of Condition and/or Need for Care _____

Is the covered servicemember undergoing medical treatment, recuperation or therapy? Yes No

If yes, describe medical treatment, recuperation or therapy:

Section II, Part B: Servicemember's Need for Care By Family Member

The term "care" refers to both physical and psychological care. It includes situations where, for example, the servicemember is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance that would be beneficial to the servicemember who is receiving inpatient or home care.

Will the servicemember need care for a single, continuous period of time due to his/her condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of time:

Beginning Date _____

Ending Date _____

Will the servicemember require periodic follow-up treatment or appointments? Yes No

If yes, estimate the treatment schedule, including the dates or frequency of any scheduled appointments and the time required for each appointment, including any recovery period:

Is there a medical necessity for the servicemember to have periodic care for these follow-ups? Yes No

Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment or appointments? Yes No
(e.g. episodic flare-ups of medical condition)

If yes, estimate the frequency and duration of periodic care:

Section III: Health Care Provider Verification

CERTIFICATION OF QUALIFYING MILITARY EXIGENCY

(FAMILY AND MEDICAL LEAVE – AM-203-2-8)



Section I: To be Completed by the Employee

Employee's Full Name _____ Job Title _____

Agency/Bureau/Division _____

Regular Work Schedule _____

Phone _____ Email _____

Name of covered military member _____
(On active duty or call to active duty status with the Armed Forces)

The military member is the employee's:
 Parent Spouse Child

Period of covered military member's active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to covered active duty status. Please check one of the following:

- A copy of the covered military member's active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on covered active duty (or has been notified of an impending call to active duty) is attached.
- I have previously provided my employer with sufficient written documentation confirming the military member's covered active duty or call to covered active duty status.

Section I, Part A: Reason for Leave

Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation that supports the need for leave. Such documentation may include, for example, a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming the military member's Rest and Recuperation leave, an appointment with a third-party, or a copy of a bill for services for the handling

Is available written documentation supporting this request for leave attached?..... Yes No None Available

Section I, Part B: Amount of Leave Needed

Approximate Date Exigency Commenced _____

Probable Duration of Exigency _____

Will you need to be absent for a single, continuous period of time due to the qualifying exigency?..... Yes No

If yes, estimate the beginning and ending dates for the period of time:

Beginning Date _____

Ending Date _____

Will you need to be absent from work periodically to address this qualifying exigency? Yes No

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

[Empty box for leave schedule]

Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time:
(e.g., 1 deployment-related meeting every 1 month, lasting 4 hours):

Frequency: _____ times per every _____ week(s)/ _____ month(s)

Duration: _____ hours OR _____ day(s) per event

Section I, Part C: Third Party Contact Information

If leave is requested to meet with a third party (for example: to arrange for childcare or parental care; to attend counseling; to attend meetings with school; childcare or parental care providers; to make financial or legal arrangements; to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits; or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information (i.e., telephone or fax number, or email address) of the individual or entity with whom you are meeting. This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual _____

Title _____

Organization _____

Address _____

Phone _____

Fax _____

Email Address _____

Describe the nature of the meeting:

[Empty box for meeting description]

Section II: Certification of Employee

Signature of Employee _____

Date _____

Sick Leave Donation

SCOPE

The Sick Leave Donation Program was established to permit City employees to donate a portion of accrued sick leave to another City employee who has exhausted all accrued sick, vacation, and personal leave, and/or compensatory time while absent from work due to a personal illness or injury. This program is not intended to replace the extended sick leave policy, is not available to employees who are members of a union sick leave bank, and is not available to employees who are eligible for membership in a union sick leave bank.

This policy does not replace any rights available under the City's Family and Medical Leave policy (AM-203-2), which eligible employees may request in accordance with federal Family and Medical Leave Act (FMLA).

Two years from the effective date of approval by the Board of Estimates, the Labor Commissioner, the Director of Human Resources and the Director of Finance will review the policy and make recommendations to the Mayor's Office and the Board of Estimates concerning the continuation of the Sick Leave Donation Program.

DEFINITIONS

Donor – A full-time or part-time City employee, who earns sick leave and donates from one (1) to five (5) days of accrued sick leave to another City employee.

Recipient – A permanent full-time or part-time City employee with at least two years of continuous City service who earns sick leave and who has received a donation of sick leave from one or more employee donors.

Sick Leave Donation – The transfer of accrued sick leave from the sick leave balance of one or more donors to a recipient. The minimum sick leave donation from a donor is one day. Donations may be used in half-day or whole-day units.

Organizational Unit –

- In an agency, which has three (3) or more organizational levels, the level immediately below the agency is normally designated as a bureau. The organizational level immediately below a bureau is normally designated as a division. "Organizational unit" refers to a division.
- In an agency, which has two (2) organizational levels, the level below the agency is normally designated as a division. "Organizational unit" refers to a division.

Sick Leave Donation

- In an agency, which has one (1) organizational level, "Organizational unit" refers to the agency.

Personal Illness or Injury – An illness or injury requiring temporary absence from work.

PROGRAM REQUIREMENTS

1. The recipient must be a permanent employee with at least two years of continuous City service.
2. The recipient must have exhausted all accumulated leave, including sick, vacation and personal leave and compensatory time.
3. The recipient must not be a member or eligible for membership in a union sick leave bank.
4. The recipient may only request donations one time in a one-year period and can receive no more than 30 days of transferred sick leave days in a one-year period.
5. The recipient's attending physician must certify that the employee will be able to return to work and the expected date of return to work.
6. Contributions of sick leave must come from within the organizational unit where the requesting recipient is assigned.
7. Donations of sick leave may not exceed the number of days the employee will need off for the illness or injury.
8. The transfer of sick leave days in accordance with this program is strictly a donation. Sick leave days may not be donated in exchange for cash or other remuneration.
9. All sick days transferred pursuant to this program are irrevocable transfers.
10. Board of Estimates' approval is required for the transfer of all sick leave days.

THE SICK LEAVE DONATION PROGRAM

A sick leave donation may be made only for absences required by a personal illness or injury that prevents an employee from temporarily returning to work. If an employee does not have sufficient leave balances to cover this absence, he/she must apply for Extended Sick Leave before requesting donations under this policy. (See AM-204-15, Extended Sick Leave, for details on use of extended sick leave.)

The following are additional requirements of the program:

- Requests to obtain and use sick leave donations must be made in writing to agency personnel officer and agency head with the signature of the requesting employee, and submitted with a completed Certification of Health Care Provider form indicating the nature of the illness or injury, prognosis and the estimated date of the employee's return

Sick Leave Donation

to work. (Refer to Certification of Health Care Provider form, AM-203-3-1.) If the employee cannot return to work, see AM-208-1, Leave of Absence without Pay.

- Donations should be requested and processed as expediently as possible to avoid the recipient being in an out-of-pay status for an extended time.
- The recipient may request sick leave donations only one time in any one-year period, which begins on the date of the Board of Estimates' approval of the letter submitted by the agency head. (Refer to AM-203-3-3.)
- The maximum number of sick leave days an employee recipient is eligible to have credited to his/her sick leave account from employee donations is 30 days in any one-year period.
- Sick leave donations may not be used for the care of family members, job-related illnesses/injuries, or medical/dental appointments except those related to the personal illness/ injury.
- Donated days may be used by the recipient in half-day or whole-day units.
- If an employee is currently on leave from work and using donated days when a holiday occurs, the employee will be marked "H" for the holiday.
- Employees using donated days do not accrue leave.

EMPLOYEE DONATIONS

Employees who wish to donate sick leave to an employee recipient must request permission in writing from the agency head or designee by using the Sick Leave Donation Authorization form, AM-203-3-2, coordinated through the agency personnel officer. An employee may donate from one to five days of sick leave to a recipient, per request.

The agency's personnel officer will coordinate the sick leave donations. This office will return any Sick Leave Donation Authorization forms that are not needed by the recipient to the donating employees, in the order in which the forms were received, prior to information being submitted to the Board of Estimates.

Donations must be in whole days. Sick leave donations will be transferred from the donor's life-to-date sick leave balance to the recipient's sick leave account after the Central Payroll Division

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AM-203-3

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Sick Leave Donation

receives a copy of the Board of Estimates' approval and the list of donors from the employee's agency personnel officer.

If the deduction of sick leave days is made from the balance earned prior to the current sick leave conversion year, the donation of sick leave days will not affect the number of days an employee donor is able to convert to cash for sick leave conversion. (See AM-205-2, Sick Leave Conversion.) Sick leave donations will not be returned to an employee donor once the donation is actually deducted from his/her sick leave balance.

Copies of Sick Leave Donation Authorization forms and a Board of Estimates (BOE) letter, signed by the agency head, must be sent to the Office of the Labor Commissioner (OLC) for review and approval. Once the OLC has approved the BOE letter, the recommendation for sick leave donation transfers will be submitted to the BOE for approval.

Following BOE approval, the agency personnel officer must provide the Central Payroll Division with a copy of the Board of Estimates' approval, accompanied by a list of the employee donors, their social security numbers, department/payroll location codes, and the number of days to be donated. Donations cannot be processed until the Central Payroll Division receives this information.

RELATED POLICIES

[AM-203-3-1](#) Certification of Health Care Provider (pdf)

[AM-203-3-2](#) Sick Leave Donation Authorization Form (pdf)

[AM-203-3-3](#) Board of Estimates Memo for Sick Leave Donations (MS Word)

[AM-203-2](#) Family and Medical Leave

AM-204-15 Extended Sick Leave

AM-205-2 Sick Leave Conversion

AM-208-1 Leave of Absence without Pay

Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: () Fax: ()

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition? No Yes.

Was medication, other than over-the-counter medication, prescribed? No Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

No Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: No Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

If so, are the treatments or the reduced number of hours of work medically necessary? ___No ___Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___No ___Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups? ___ No ___ Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

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AM-203-3-2

m Sick Leave Donation Authorization Form

I, _____ wish to donate _____ of my sick
leave days to (*Name of Recipient*) _____.

I understand that the transfer of sick leave days in accordance with the Sick Leave Donation Program, AM-203-3, is strictly a donation. Sick leave days may not be donated in exchange for cash or other remuneration.

Sick leave donations will be transferred from my life-to-date sick leave balance to the recipient's sick leave account. This action will have no impact on my eligibility for the annual sick leave conversion, according to AM-205-2. Once the Board of Estimates approves the transfer of days to the recipient, the sick days are irrevocable transfers.

I hereby authorize the Central Payroll Division, Department of Finance, to deduct from my sick leave balance the number of days indicated above to be used as sick leave by the recipient named above.

Signature

Date

Print name

Social Security # _____

Dept/Payroll Location Codes _____ # of Days to be Donated _____

M A I	NAME & TITLE	(Agency Head)	CITY of BALTIMORE MEMO	CITY OF BALTIMORE 17
	SUBJECT	Sick Leave Donation – Insert Employee's Name		

TO

DATE:

Honorable President and Members
of the Board of Estimates

XXXX, 2001

Dear Madame President and Members:

ACTION REQUESTED OF BOARD OF ESTIMATES:

The (Agency) _____ requests the Board of Estimates to approve the transfer of a total of _____ sick leave days from City employees of this agency to:

Employee's Name: _____

Entry Date: _____, Department/Payroll Location Codes: _____.

The list of employee donors is attached.

AMOUNT OF MONEY AND SOURCE OF FUNDS:

NA

BACKGROUND/EXPLANATION:

Employees of the City of Baltimore have volunteered to transfer their sick leave in order for this employee to remain in pay status and maintain health care coverage during the period of illness/injury. The requirements of AM-203-3, Sick Leave Donation Program, have been followed. This employee is not a member of a union sick leave bank and is not eligible for membership in a union sick leave bank. All of his/her leave has been used. The employee is expected to return to work by (date) _____.

Sick leave donations will be transferred from each donor's life-to-date sick leave balance to the requesting employee's sick leave account. The transfers will occur after the Central Payroll Division receives the following information from the agency personnel office: a copy of this memo approved by the Board of Estimates and a list of donors with their social security numbers, department/payroll location codes, and number of sick leave days to be donated.

Attachment

Agency/Bureau Head Signature

Labor Commissioner

APPROVED BY THE BOARD OF ESTIMATES:

Date Clerk

TRANSFER OF SICK LEAVE

The employees listed below have asked to be permitted to transfer sick leave days to:

Name of Employee: _____

Donor's Name _____

of Days to be Donated

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

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AM 203-4

m ***Permission Time for Cancer Screening***

SCOPE

Cancer is the second leading cause of death in Maryland, after heart disease. In Baltimore City, the most common cancers are breast, cervical, oral and colon. Early detection is the best form of prevention for all cancers. City employees are encouraged to seek cancer screening. To promote a healthier workforce and reduce cancer deaths, permanent full-time and permanent part-time employees will be granted permission time up to four hours once a year for cancer screening.

PERMISSION TIME

All City employees will be allowed up to four (4) hours once per calendar year as Permission (P) time to use for cancer screening without using their accumulated leave time.

To ensure appropriate coverage at the worksite, prior approval from the employee's supervisor is required. The employees must submit to the supervisor a Request for Time Off form (28-1408-5040) as soon as the appointment is made for the screening. Employees are asked to make a reasonable effort to schedule the screening when their absence is less disruptive to the operations of the workplace. The supervisor will keep the employee's Request for Time Off form until the employee returns verification of the screening. The employee will be required to submit as verification to the supervisor a completed City of Baltimore Cancer Screening Program Certification Form after the screening. The supervisor can then authorize Permission (P) time for correct payroll marking.

Additional time needed for cancer screening beyond the four hour permission time must be charged to the employee's accrued leave. This does not count as an occurrence.

CERTIFICATION FORM

To ensure appropriate coverage at the worksite, prior approval from the supervisor for the four hour leave for cancer screening is required.

In order for the employee's time to be marked as Permission (P) time, employees who use the four hour leave for cancer screening must provide their supervisor with a completed Cancer Screening Program Certification Form (AM-203-4-1) following the screening. This form is to be completed by the physician or health care professional/medical facility conducting the cancer screening.

The employee must submit the completed Cancer Screening Program Certification Form to his/her supervisor in order for the four hour screening benefit to be applied. For appropriate payroll marking of Permission time and documentation, the supervisor will verify use of

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AM 203-4

m ***Permission Time for Cancer Screening***

Permission time and note that verification was received in the area above the supervisor's signature on the Request for Time Off form.

The completed Request for Time Off form must be attached to the employee's timesheet for appropriate payroll marking and documentation. The supervisor must send the completed verification form to the agency's human resources/personnel office for filing with other medical related documents. The verification form must not be attached to payroll attendance sheets or submitted to the payroll clerk.

PROVIDERS

Employees enrolled in the PPN are encouraged to consult with their primary care provider on cancer screening. Employees enrolled in HMOs must contact their service center sites for either onsite cancer screenings or referrals. Mercy Medical Center and the University of Maryland Medical Systems are partnering with the City to provide screening for all other City employees who choose to go to their sites.

RELATED FORM AND POLICIES

AM-203-4-1 Cancer Screening Program Certification Form
AM-202-1 Compensatory Leave
AM-204-2 Vacation Leave
AM-204-4 Personal Leave
AM-204-14 Sick Leave

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AM 203-4-1

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**City of Baltimore
Cancer Screening Program**

Certification Form

- City of Baltimore permanent full-time and permanent part-time employees will be granted the use of permission time up to four (4) hours per calendar year for cancer screening.
- Such leave **will not** be charged to any accrues leave unless the screening exceeds the four hour maximum permission time.
- To ensure appropriate coverage at the worksite, prior approval from the employee’s supervisor for the 4-hour leave is required.
- The employee must submit the completed form to his/her supervisor for the 4-hour screening benefit to be applied. The supervisor must send this form to the Agency’s human resource/personnel office for filing.
- Early detection through regular screening is the best form of prevention for all cancers. Employees are encouraged to undergo cancer screening. Take care of your health – get screened!

Physician/Medical Facility

This form is to be completed by the physician or health care professional/medical facility conducting the cancer screening.

_____ has undergone a cancer screening at our facility.

Employee/Patient Name

The cancer screening was administered on: _____

Date

Physician/Health Care Professional:

Printed Name

Signature

Physician/Health Care Facility Address: _____

Tel: (____) _____

Please place Physician/Health Care Facility
verification/validation stamp
here →

Reasonable Accommodations

The City of Baltimore (“City”) is committed to equal opportunity in all aspects of employment for qualified individuals with disabilities. The City recognizes that individuals with disabilities may need reasonable accommodations to participate in or benefit from employment opportunities. In accordance with Federal, State and Local laws and *AM-204-18 Equal Employment Opportunity Policy*, the City will provide reasonable accommodations to qualified disabled employees and applicants, unless doing so would pose an undue hardship or a direct threat to safety.

I. PURPOSE

The purpose of this Policy is to set forth guidelines in making reasonable accommodation to qualified applicants and employees with disabilities.

II. SCOPE

This Policy applies to all employees involved in the City’s operations, including, but not limited to, full-time and part-time employees, temporary employees, and applicants for positions within the City.

III. DEFINITIONS

- A. ADA Coordinator** – A Representative of an Agency responsible for handling disability-related accommodation requests.
- B. Essential Job Function** – The fundamental duties of the position or the primary reasons the position exists. Essential functions are such that they cannot be eliminated or substantially modified without changing the nature of the position. Essential functions do not include the marginal functions of the position.
- C. Reasonable Accommodation** – A modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position. Reasonable accommodations may include but are not limited to:
 - Making physical modifications to the worksite or furniture;
 - Modifying work schedules, granting leave, reassignment to a vacant position; or
 - Acquiring or modifying equipment software packages, or devices, adjusting or modifying examinations, training materials or policies, and providing interpreters or other assistive services.
- D. Undue Hardship** – An accommodation or action requiring significant difficulty or expense when considered in light of factors such as financial resources and the nature and structure of operations. Undue hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.
- E. Direct Threat to Safety** – A significant or substantial threat of harm that cannot be reduced or eliminated by a reasonable accommodation (e.g., someone who has uncontrolled seizures and operates heavy or sensitive equipment).

Reasonable Accommodations

IV. RESPONSIBILITIES

- A. Employees and applicants are responsible for requesting an accommodation under this Policy as further described in *Section V* below.
- B. Supervisors are responsible for promptly notifying the ADA Coordinator of an employee accommodation request brought to their attention. Additionally, a supervisor who discovers (or is made aware of) a possible need for an accommodation should immediately notify an ADA Coordinator.
 - i. Disability accommodations may not be approved or denied at the supervisor level.
 - ii. In all cases, supervisors must promptly request assistance from the Agency ADA Coordinator and work collaboratively to evaluate the employee’s request.
- C. ADA Coordinators are responsible for engaging in the interactive process to determine whether an employee or applicant is eligible for an accommodation and to evaluate whether a workplace accommodation is feasible and/or appropriate.
- D. Employing Agencies are responsible to decide whether and to what extent an accommodation will be offered.

V. REQUESTING A WORKPLACE ACCOMMODATION

A. Applicants

- 1. An Applicant request for accommodation during the hiring process may be made to the hiring supervisor, the Agency Human Resources Practitioner, or the Department of Human Resources.
- 2. All requests for accommodation in the hiring process must be referred to the Agency ADA Coordinator who will work collaboratively with hiring officials to determine whether an accommodation is feasible and/or appropriate.

B. Employees

- 1. An employee who has a disabling condition that affects their ability to perform an essential job function may request a reasonable accommodation. An initial request may be made verbally or in writing and should be directed to the Agency ADA Coordinator.
- 2. To enable the City to keep accurate records regarding requests for accommodations, an employee requesting the accommodation may confirm their request in writing by completing *AM 203-5-1 Request for an ADA Accommodation/Modification Form (AM 203-5-1)* and provide any necessary medical documentation.
 - i. If the employee elects not to use *AM 203-5-1* the employee and the medical provider must submit written documentation which substantially provides the same information as requested on the form.
- 3. An employee must meet with the ADA Coordinator who will facilitate the interactive process regarding the nature of the employee’s disability, the extent of the limitations, and the range of possible accommodations. Failure to engage in the interactive process may result in the denial of the employee’s accommodation request.

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Reasonable Accommodations

- 4. An employee is responsible for contacting the ADA Coordinator if a reasonable accommodation is not implemented in a timely and/or effective manner or when the employee's accommodation needs have changed.

VI. MEDICAL DOCUMENTATION AND EXAMINATION

- A. When a requesting employee's disability and/or accommodation needs are not obvious, the ADA Coordinator shall ask the employee to provide reasonable documentation from an appropriate health care provider that explains the disability and any functional limitations, as well as the type of accommodation(s) that may be required. Such information must be provided by the health care provider in writing. The request for documentation shall be narrow in scope and focus on the disabling condition that prompted the accommodation request.
- B. If medical documentation provided by an employee's health care provider is not sufficient to establish a qualifying disability or the need for accommodation, the ADA Coordinator should request clarification or additional information from the health care provider. If the employee's health care provider fails to correct any deficiencies in the employee's documentation, the City may require the employee to undergo a medical examination. Such evaluation shall be conducted at the City's expense and by a health care provider chosen by the City.
- C. The employee requesting accommodation is expected to work cooperatively with the ADA Coordinator to obtain the necessary medical documentation in a timely manner and must authorize his/her health care provider to communicate this information to the City. Failure to provide necessary medical documentation and information, or the refusal to undergo a medical examination when requested, may result in the denial of the employee's accommodation request.
- D. Agencies must seek approval from DHR before requiring a medical examination of an employee with regard to a reasonable accommodations request.

VII. THE INTERACTIVE PROCESS

- A. Requests for accommodations must be decided on a case-by-case basis because the nature and extent of a disabling condition and requirements of the position will vary. The principal test in selecting a particular type of accommodation is that of effectiveness, i.e., whether the accommodation will enable the person with a disability to perform the essential functions of the job.
- B. Once the ADA Coordinator receives *AM-203-5-1*, or other acceptable documentation, the ADA Coordinator will:
 - 1. Meet with the employee within five (5) business days to acknowledge the request and explain the processing of the request.
 - 2. Engage in the interactive process with the employee regarding the nature of the employee's disability, the essential functions of the particular position involved, and

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Reasonable Accommodations

the precise job-related limitations; and offer suggestion for possible reasonable and effective accommodations.

- 3. Consult with the employee’s supervisor or other appropriate Agency leadership regarding the request and the impact the requested accommodation will have on the operations of the Agency.
 - 4. Request clarification or additional information from the employee and the medical provider, if necessary, to confirm or fully understand the employee’s disability, the employee’s limitations or the appropriateness of the accommodations requested.
 - 5. Assess whether or not the employee’s requested workplace accommodation is reasonable and recommend what, if any, accommodation is most appropriate for both the employee and the Agency.
- C. Although the employee will be consulted during the process, the Agency shall in its sole discretion decide whether and to what extent an accommodation will be offered. The Agency may approve the requested accommodation as presented by the employee, suggest one or more effective alternative accommodations, or deny the request if no reasonable accommodation can be identified. Accommodations that pose an undue hardship or a direct threat to safety will not be offered or permitted.
- D. An employee is not obligated to accept the accommodation offered, however, a decision to decline an accommodation may render the employee unqualified to remain in the position.
- E. Once a workplace accommodation is accepted, the employee’s supervisor will work with the employee to make sure the accommodation will enable the employee to perform safely and effectively in the job.

VIII. CONFIDENTIALITY

All medical information and documentation collected or received in accordance with this Policy, including ADA and FMLA documentation, shall be kept confidential, and medical records shall be maintained in separate medical files by the Agency’s office. Such information shall be shared only with those having an official need to know.

IX. REQUESTS FOR RECONSIDERATION

Any questions that arise during the interactive process should be directed to the Agency’s ADA Coordinator handling the accommodation request. Where an employee or applicant is dissatisfied with the resolution of a request, a request for reconsideration may be made to the Agency’s Director of HR. In such cases, the Agency’s Director of HR shall confer with the Director of DHR or his/her designee before responding to the request for reconsideration. The Director of DHR or his/her designee shall make the final determination for all requests for reconsideration.

X. NO RETALIATION

Retaliation against an individual with a disability for having requested an accommodation under this policy is strictly prohibited. Concerns about retaliation or discrimination on the

Reasonable Accommodations

basis of disability should be promptly reported to the Agency’s Equal Opportunity Compliance (EOC) Officer in accordance with *AM-204-18 Equal Employment Opportunity Policy*, Section IV.

XI. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

XII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XIII. RELATED POLICIES

- AM 203-5-1 Request for an ADA Accommodation/Modification Form
- AM 203-2 Family and Medical Leave
- AM 204-14 Sick Leave
- AM 208-1 Leave of Absence Without Pay 30 Calendar Days or Less Overview

m Reasonable Accommodation Request Form

Reasonable Accommodation Request Form

INFORMATION PERTAINING TO MEDICAL DOCUMENTATION:

In the context of assessing an accommodation request, medical documentation may be needed. Medical documentation is often needed to determine if the employee has a disability covered by the ADA and is entitled to an accommodation (i.e., has a permanent disability, as distinguished from temporary disability, that substantially limits one or more major life activities, affects the employee's ability to perform essential job functions, and is of sufficient severity) and if so, to help identify an effective accommodation.

Generally, in the context of an accommodation, medical inquiries related to an employee's disability and functional limitations are permissible and may include consultations with knowledgeable professional sources, such as doctors, occupational and physical therapists, rehabilitation specialists, and organizations with expertise in adaptations for specific disabilities. In the event that medical documentation is required, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information. The City is committed to equal opportunity in all aspects of employment for qualified individuals with disabilities.

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AM 203-5-1

m **Reasonable Accommodation Request Form**

CONFIDENTIAL

City of Baltimore

Reasonable Accommodation Request Form - Employment

The purpose of this form is to assist the City of Baltimore (“City”) in determining whether, or to what extent, a reasonable accommodation is required for an employee with a disability to perform one or more essential functions of their job safely and effectively. This form must be filed separately from the employee's personnel file and be treated confidentially.

Agency	Division/Unit
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SECTION I: Employee: To be completed by employee requesting accommodation.

Employee:	Telephone:
Address:	
Job Title:	Request Date:
Supervisor:	Telephone:
Agency Human Resources Practitioner:	Telephone:

I give the City of Baltimore permission to explore coverage and reasonable accommodations under the Americans with Disabilities Act of 1990, as amended (ADA). I understand that all information obtained during this process will be maintained and used in accordance with ADA and all legal and regulatory requirements as they pertain to medical and genetic information confidentiality.

Date

Employee's Signature

m Reasonable Accommodation Request Form

Please answer the following questions to assist us in understanding the basis and nature of your request for a reasonable accommodation (attach additional sheets if necessary).

A. Indicate physical or mental limitation(s) and expected duration of limitation(s). (Attach additional pages if necessary.) It is not necessary to indicate a medical diagnosis or condition.

B. Explain how the disability/limitation affects the ability to perform one or more essential functions of the job:

C. What specific accommodation(s) are you requesting and how will this accommodation(s) assist you? (Attach additional pages if necessary):

D. Has a physician, vocational rehabilitation specialist, or other health professional recommended a specific accommodation? Yes ____; No ____;
If yes, please attach a copy of their recommendations.

E. Please provide any additional information that might be useful in processing your accommodation request:

m Reasonable Accommodation Request Form

**City of Baltimore
Request for Medical Information**

Directions: Please print neatly or type requested information.

Employee's Name: _____

The above named employee has requested a change to their job because of a mental or physical condition. Please assist us by answering the following questions related to the employee's condition and need for an accommodation.

1. I (Medical Provider's Name) _____ certify that
(Name) _____ is being treated by my office for the
condition described below:

2. Does the employee's condition prevent him/her from performing any of the essential duties, functions, physical requirements and/or activities listed on the attached Job Description and Functional Capacities Assessment form for the employee's position? If yes, please identify those duties, functions, physical requirements and/or activities that, in your opinion, the employee is unable to perform. (A completed Functional Capacities Assessment form and Job Description for the employee are attached to aid you in making this determination.)

3. For each duty, function, physical requirement and/or activity that you identify the employee is unable to perform, please state the medical reason that the employee is unable to perform those functions, duties and activities.

4. In your opinion, is the employee's medical condition temporary or permanent? If temporary, please state (if possible) the expected duration of the employee's inability to perform those functions, duties and activities identified above?

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AM 203-5-1

m Reasonable Accommodation Request Form

5. In your opinion, is the employee likely to experience injury, harm or aggravation of his/her medical condition by performing or attempting to perform the essential duties of his/her job? If so, to what degree? Please provide the medical basis for believing that this risk could occur.

6. Does the employee's medical condition present a significant risk of substantial harm to the employee and/or others?

7. Can the employee's condition be corrected and/or controlled through medication or treatment? If yes, explain?

8. Is the employee presently taking any medication, treatment, or other measures to correct and/or control his/her medical condition?

9. If yes, what effect, if any, does/would this medication, treatment or other measure have on the employee's ability to perform the essential duties of his/her job?

10. If you find that the employee has any condition:

- a. That will adversely affect his/her ability to perform the essential functions of his job (#2);
- b. That may be aggravated by his/her performance of or attempt to perform the essential duties of his/her job or that may lead to his/her injury or harm (#5); or
- c. That presents a significant risk of substantial harm to the employee and/or others (#6),

please identify any accommodations which would enable the employee to perform the essential functions of his/her job without harm or injury to him/her, without aggravation of the impairment, or without presenting a significant risk of harm to the employee of others.

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AM 203-5-1

m Reasonable Accommodation Request Form

Printed Name of Certifying Medical Provider

License number #

Type of Practice

Address

Telephone Number

Signature

Date

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AM-204-1 Part I

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Holidays

SCOPE

In accordance with Board of Estimates policy, City offices are closed officially for business on 11 annual holidays. The calendar of annual holidays is set forth in this policy. Permanent full-time employees not scheduled to work on these dates will receive their regular rate of pay. A permanent part-time employee will receive his/her regular rate of pay as holiday compensation, providing the observance of the holiday falls on the employee's regularly scheduled workday.

The observance of a scheduled City holiday may be altered by action of the Board of Estimates. A Board action effectively amends this policy for that particular calendar year.

MODIFIED OBSERVANCE DATE

A holiday which falls on Saturday will be observed the preceding Friday; a holiday which falls on Sunday will be observed the following Monday.

ANNUAL HOLIDAYS

January 1 New Year's Day

Third Monday in January Martin Luther King's Birthday

Third Monday in February President's Day

Friday before Easter Good Friday

Last Monday in May Memorial Day (*Observed*)

July 4 Independence Day

First Monday in September Labor Day

Second Monday in October Columbus Day (*Observed*)

November 11 Veterans Day

Fourth Thursday in November Thanksgiving Day

December 25 Christmas

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AM-204-1 Part I

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Holidays

EXCEPTIONS

In addition to the holidays listed above, employees of the Baltimore City Police Department also observe: February 12 – Lincoln’s Birthday; March 25 - Maryland Day; and September 12 - Defender's Day.

RELATED POLICIES

For additional information, see:

AM-232-1 PERMANENT POSITIONS AND EMPLOYEES

[AM-204-1, Part II](#) ELECTION DAY

[AM-204-1, Part III](#) HOLIDAY COMPENSATION

Observance of Election Days

SCOPE

In accordance with Board of Estimates policy, certain elections will be observed by the City as an official City holiday. Administrative leave may be granted, if necessary, for other elections.

GENERAL ELECTIONS

All general elections, i.e., in which a member of the U.S. Congress is to be elected, will be observed as a City holiday. A general election is scheduled on the Tuesday immediately following the first Monday of November in even numbered years, e.g., 2004, 2006, 2008, etc. City offices will be officially closed for business on the day of a general election.

A permanent full-time employee not required to work on this day will receive his/her regular rate of pay. A permanent part-time employee will receive his/her regular rate of pay providing the observance of the holiday falls on the employee's regularly scheduled workday.

City employees who are eligible to receive holiday compensation and who are required to work on a City holiday will be compensated in accordance with AM-204-1, Part III, Holiday Compensation.

PRIMARY AND MAYORAL ELECTIONS

A City employee who is registered to vote in the City of Baltimore will be allowed, if necessary, a maximum of two (2) hours administrative leave with pay for the purpose of voting in primary and mayoral elections.

Approved administrative leave with pay applies to the following primary and mayoral elections:

1. The second Tuesday after the first Monday in September -- a primary election of candidates for State and City offices and Central Committee is held throughout Maryland.
2. The second Tuesday in March -- a primary election of candidates for the President and Vice-President of the United States and members of the United States Congress is held throughout Maryland.
3. Such date as specified by the Governor -- special primary elections for congressional representatives are held in Maryland when necessary.

RELATED POLICIES

For additional information, see:

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AM-204-1 Part II

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Observance of Election Days

[AM-204-1 PART I](#) HOLIDAYS

[AM-204-1 PART III](#) HOLIDAY COMPENSATION

AM-232-1 PERMANENT POSITIONS AND EMPLOYEES

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AM-204-1 Part III

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Holiday Compensation

SCOPE

This policy is concerned with holiday compensation for City employees who have been in pay status for at least one (1) day in the payroll period in which the holiday occurs. Permanent full-time employees not scheduled to work on these dates will receive their regular rate of pay. A permanent part-time employee will receive his/her regular rate of pay as holiday compensation providing the observance the holiday falls on the employee's regularly scheduled workday.

City employees who are eligible to receive holiday compensation and who are scheduled to work on a City holiday will be compensated according to their classification under the Fair Labor Standards Act (FLSA) as non-exempt or exempt employees. Employees who are eligible to receive holiday compensation and who are not required to work on a City holiday will be granted their regular rate of pay for the day on which the holiday is observed.

FLSA ELIGIBILITY

NON-EXEMPT EMPLOYEES (CODE F):

Code F employees required to work on a holiday will be compensated either at a pay rate of time and one-half for each hour worked, or compensatory leave computed at a rate of time and one-half for each hour worked.

EXEMPT EMPLOYEES (CODE X):

Code X employees required to work on a holiday will be compensated by receiving their regular pay, plus compensatory leave in an amount equivalent to the hours worked.

DOUBLE SHIFT WORK

Code F employees who normally are engaged in shift work and are required to work a regular shift, plus a second shift on the holiday, will receive normal pay for each of the two shifts worked, plus pay or compensatory leave at the rate of time and one-half for all hours worked on both shifts.

CHARGEABLE LEAVE

Employees scheduled to work on holiday and who cannot report for duty because of sickness will be charged sick leave for that day provided it is reported in the first hour of the shift to the supervisor and the employee has accrued sick leave to cover the occurrence. Failure to properly

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AM-204-1 Part III

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Holiday Compensation

notify the supervisor of the sick occurrence as stipulated in this policy will result in a payroll marking of "X" and a complete loss of pay for the day.

An employee authorized a sick leave marking immediately prior to a holiday who is not scheduled to work the holiday will not be charged sick leave for the holiday.

An official City holiday which occurs on an employee's vacation leave day or personal leave day will not be deducted from the employee's vacation or personal leave balances.

TEMPORARY OR SEASONAL EMPLOYEES

Temporary or seasonal employees, including provisional employees, are not eligible to receive holiday compensation. If such employees are required to work on a holiday, they will be compensated for such work at their regular rate of pay.

RELATED DOCUMENTS

For additional information, see:

[AM-204-1](#) (PART I) ANNUAL HOLIDAYS

[AM-204-1](#) (PART II) ELECTION DAYS

AM-204-2 VACATION LEAVE

AM-204-4 PERSONAL LEAVE

[AM-204-14](#) SICK LEAVE

[AM-291-1](#) CIVIL SERVICE CLASSES

[AM-291-2](#) NON-CIVIL SERVICE CLASSES

[AM-234-1](#) TEMPORARY OR SEASONAL APPOINTMENTS

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AM-204-2

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Vacation Leave

SCOPE

A vacation leave day may be earned only by a permanent full-time employee or a permanent part-time employee, who has been in pay status at any time during the payroll period containing the employee's monthly anniversary date. Temporary employees, including provisional employees, are not eligible for vacation leave. However, employees who are provisional appointees as the result of a promotion and therefore provisional while awaiting Civil Service action, i.e., test, list, etc., may earn vacation leave similar to other permanent full-time employees. The rate of accrual for all eligible employees is based upon the length of continuous service.

RATE OF ACCRUAL FOR PERMANENT EMPLOYEES

The rate of accrual is based upon the eligible employee's length of continuous service.

Permanent Full-Time Employees: Vacation leave is earned at a set rate for each completed month of service.

Permanent Part-Time Employees: Vacation leave is earned at a set rate for each completed 160 hours of service.

COMPLETED YRS OF CONTINUOUS SERVICE	DAYS EARNED PER MONTH OR P/T -160 HRS	PER YEAR FULL-TIME EMPLOYEE
0 through 5	1	12
6 through 10	1 ¼	15
11 through 13	1 ½	18
14 through 18	1 ¾	21
19 or more	2	24

LEAVE USE

Employees may not use vacation leave before it is earned. Vacation leave may be used in 45-minute increments. Vacation leave earned by employees, who have not previously served a probationary period, may not be used until the probationary period, has been successfully completed.

The leave day is equal to 7.20 hours for employees designated by Representation Code 5

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AM-204-2

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Vacation Leave

(AFSCME, Local 558), 6 (MAPS), 9 (Unrepresented, MAPS benefits), U (CUB) and M (CUB unrepresented). A leave day is equal to 8 hours for employees in classifications with Representation Codes 1 (AFSCME, Local 44 and 2202). The codes indicate which, if any, labor union or professional group represents employees in a particular job classification.

LEAVE REQUESTS

An employee who wishes to use accumulated vacation leave must obtain prior approval from his/her immediate supervisor. Vacation leave requests for one week or longer must be made one week in advance in most situations. A request to use vacation leave for less than one week must be made one workday in advance. However, the employee's supervisor may waive these time requirements.

All reasonable requests to use vacation leave will be approved. However, requests, which would be detrimental to the proper operation of an agency, may be denied. Conflicting requests for vacation **leave** will be resolved on the basis of seniority.

Employees should also refer to the negotiated contract for their employee representation group.

HOLIDAYS

Any official City holiday, which falls during an employee's scheduled time off, will not be counted as vacation leave.

CITY OFFICES CLOSED BY EXECUTIVE ORDER or EARLY CLOSINGS

Under the Inclement Weather Policy, AM-204-22, "when non-essential City facilities are closed by Mayoral Executive Order, essential employees are required to report as scheduled and appropriate compensation is authorized."

In the situation of pre-approved vacation leave, the essential employee will not be charged vacation leave for the day when an Executive Order is in effect. Non-essential employees on approved vacation leave are not charged leave for that day. However, in the event of an early closing on employee's vacation day, the essential and non-essential employee will be charged full vacation leave as if the early closing had not occurred.

MAXIMUM ACCUMULATION

The maximum number of unused vacation leave days that an employee may accumulate is equal to the number of days that an employee can earn in the period outlined in the following table.

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AM-204-2

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Vacation Leave

Computation must be based on the employee's current accrual rate as related to his/her years of continuous service and as determined in this policy.

POSITION DESIGNATED REPRESENTATION CODE	ACCUMULATION PERIOD
1 - AFSCME, Local 44 5 - AFSCME, Local 558 7 - Local 2202 F- Fire fighters (including Paramedics)	4 years
O - Fire Officers U - City Union of Baltimore (CUB) * M - Unrepresented (CUB benefits) *	5 years
8 - Police Non-Supervisory S - Police Supervisory	192 days
6 - Managerial & Professional Society (MAPS) 9 - Unrepresented (MAPS benefits)	8 years **

If an employee accumulates the maximum allowable number of vacation leave days, he/she will not be credited with any additional vacation days until his/her accumulation total drops below the maximum limit.

* Please note that if an employee's position is designated by Representation Code of U or M, the employee will be paid at the time of separation for accumulated vacation up to a maximum number of days earnable for a four-year period.

** However, if that employee's position is designated by Representation Code 6 or 9 then the employee may bank excess vacation days and be paid for them at time of separation with at least 20 years of service or retirement on the basis of one (1) day for every three (3) days banked.

CONTINUOUS SERVICE

Years of continuous service are calculated from the date of appointment as a permanent employee. An employee's service in a provisional status may be included in his/her years of continuous service, if the employee's status changed from provisional to permanent with no break in service and service was in the same classification as that of entry.

Prior City service is recognized as continuous service if the employee was a permanent employee who:

Vacation Leave

- Was laid-off due to lack of work or funds; or
- Had a break in service of 29 or less working days; or
- Was granted a leave of absence without pay and was reinstated within 10 days of the expiration of such leave.

RETENTION OF ACCUMULATED LEAVE

Accumulated vacation leave may be retained by permanent employees who:

- Transfer from one agency or position to another agency or position in the classified (?) service with no break in service.
- Are granted a leave of absence without pay and are reinstated within 10 days of the expiration of such leave.

Other questions regarding retention or transfer of leave benefits are governed by the specific AM policy and/or negotiated contracts by employee's representation group.

PAYMENT RULE

Payment for accumulated vacation days is based on the employee's regular rate of pay at the time of separation or retirement. Employees will receive full payment for any accumulated vacation leave which is still unused as of the date of separation subject to the employee's rate of accrual and the employee's years of continuous service. However, if an employee is in debt to the City, payment will be deducted from the leave payment in an amount equal to the employee's indebtedness (i.e., non-business City cell phone calls reimbursement, travel funds reconciliation, tuition reimbursement). Payment for leave will also be denied to employees whose service is terminated before the completion of their probationary period with the City.

MILITARY SERVICE

Employees who are granted leaves of absence without pay for the purpose of military service may elect: (1) to be paid for unused vacation leave upon beginning their leave of absence; or (2) to retain their vacation leave for credit to their leave account upon reinstatement in City service.

RELATED POLICIES

AM-204-1 ANNUAL HOLIDAYS

AM-205-7 SEPARATION AND PAYMENT AT TERMINATION

AM-208-1 LEAVE OF ABSENCE WITHOUT PAY

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AM-204-3

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Holiday Parties

SCHEDULING

Only with the prior approval by the agency head may a holiday party be scheduled. Each Supervisor of an office or worksite may allow employees to hold a holiday party to celebrate the season on any day during the last two weeks of December.

On the date approved by the agency head, affected City employees may be allowed up to two (2) hours off including their lunch periods for the party. Any additional time off work for the holiday party must be approved by the agency head and charged to the employee's accrued vacation or personal leave or compensatory time.

A holiday party cannot interrupt City business or close a City office. It should not be offensive to employees who do not participate. Parties at City worksites may not have alcoholic beverages.

Vacation and Personal Leave

The City of Baltimore offers a comprehensive benefits package to its employees, including vacation and personal leave. Paid time off encourages and supports a healthy work-life balance, and helps the City attract and retain talented employees. This policy explains the City's vacation and personal leave paid time off benefits.

I. ELIGIBILITY

Regular full-time Civil Service and non-Civil Service employees are eligible for the City's vacation and personal leave benefits. Temporary employees are not eligible to receive the City's vacation or personal leave benefits. Part-time employees may be eligible for leave as detailed below.

Part-time employees who are members of City Union of Baltimore ("CUB") Local 800 Unit I and Unit II, and the American Federation of State, County, and Municipal Employees ("AFSCME") Local 44, 558, and 2202 are eligible for the City's vacation and personal leave benefits in accordance with the provisions of their respective Agreements.

Employees in the Managerial and Professional Society of Baltimore, Inc. ("MAPS") who are appointed to regular positions and are working less than full-time work hours as of June 30, 2015, will continue to receive vacation and personal leave benefits. MAPS employees who begin working less than a full-time work week after June 30, 2015 or employees that become members of MAPS after June 30, 2015 who are working less than a full-time work week are not eligible for the City vacation and personal leave benefit and shall no longer receive vacation and personal leave.

II. ADMINISTRATION

The City's vacation and personal leave benefits are administered on a July 1st to June 30th fiscal calendar. Vacation and personal leave are accrued on a monthly basis for full-time employees and on a 160 work hour basis for eligible part-time employees. Employees will receive payment for unused vacation and personal leave in accordance with Section VII of this policy.

III. VACATION LEAVE

Eligible full-time and eligible part-time employees will accrue vacation leave according to the appropriate step on the Accrual Schedule. The maximum amount of vacation leave an employee may accrue is 45 days. Accrued leave is available for use in accordance with subsection V of this policy.

A. Leave Accrual

The vacation leave accrual rate is determined by the employee's status (full-time or part-time), length of continuous service, and service anniversary date. Employees will be placed in a step

Vacation and Personal Leave

on the accrual schedule based on all three factors.

1. Accrual Schedule

The accrual schedule is separated into five steps corresponding to an employee’s length of continuous service.

	Length of Continuous Service	Status	
		Eligible Full-time	Eligible Part-time
Step 1	0-5 years	1 day per month, maximum of 12 days per year	1 day per 160 hours worked, maximum of 10 days per year
Step 2	6-10 years	1.25 days per month, maximum of 15 days per year	1.25 days per 160 hours worked, maximum of 13 days per year
Step 3	11-13 years	1.5 days per month, maximum of 18 days per year	1.5 days per 160 hours worked, maximum of 15 days per year
Step 4	14-18 years	1.75 days per month, maximum of 21 days per year	1.75 days per 160 hours worked, maximum of 18 days per year
Step 5	19 +	2 days per month, maximum of 24 days per year	2 days per 160 hours worked, maximum of 20 days per year

2. Length of Continuous Service

Length of continuous service is calculated from the first day of appointment to a regular Civil Service or Non-Civil Service position.

Prior City employment will qualify as continuous service if the employee was appointed to a regular Civil Service or Non-Civil Service position, but:

- Was laid off due to lack of work or funds and rehired into a regular position within one (1) year of separation;
- Had a break in service of twenty-nine (29) working days or less; or
- Was granted a leave of absence without pay and was reinstated within ten (10) days of the expiration of such leave.

3. Service Anniversary Date

An employee’s Service Anniversary Date is the initial date of appointment to a regular Civil Service or non-Civil Service position. An Employee’s accrual rate is applied in accordance with the employee’s Service Anniversary Date.

Vacation and Personal Leave

4. Change in Full-time or Part-time Status

Eligible employees whose status changes during the fiscal year will accrue vacation leave according to the Accrual Schedule beginning on the date the change in status becomes effective.

B. Leave Maintenance

Each employee's cumulative vacation leave shall be held in the Vacation Account and Legacy Vacation Account, if any, as described in subsections III(B)(1) and (2) below. The Vacation Account and Legacy Vacation Account shall only be used by the employee for whom the account was created.

1. Vacation Account

The Vacation Account is used to store an eligible employees' vacation leave accrued after July 1, 2015. The maximum amount of vacation leave an employee may accrue and carry forward is 45 days. Vacation leave held in the Vacation Account is available for use in accordance with subsection V of this policy. When an employee has accrued 45 days of vacation leave in the Vacation Account the employee shall not accrue additional vacation leave until the Vacation Account balance is reduced below the 45 day maximum.

2. Legacy Vacation Account

Individuals employed with the City as of June 30, 2015 who have unused vacation leave balances will have a Legacy Vacation Account to store eligible employees' unused vacation leave balance. Eligible employees will have all previously accumulated vacation leave transferred into the Legacy Vacation Account on July 1, 2015. Employees shall not transfer any vacation leave accrued after June 30, 2015 into the Legacy Vacation Account. The Legacy Vacation Account is available for use upon exhaustion of the leave stored in the Vacation Account. Legacy Vacation Accounts shall be permanently closed upon reaching a zero balance.

Individuals beginning employment with the City after June 30, 2015 shall not have a Legacy Vacation Account.

IV. PERSONAL LEAVE

Eligible full-time employees will receive credit for the maximum annual personal leave allowance on July 1st of each year. Full-time employees appointed after July 1st of each fiscal year will receive credit for a prorated maximum personal leave allowance on the first day of employment.

Eligible part-time employees will accrue personal leave according to subsection IV(A) beginning on the first day of employment.

Vacation and Personal Leave

A. Personal Leave Accrual Rate

The personal leave accrual rate is based on the employee’s status. Eligible full-time employees earn a quarter day of personal leave per month. Eligible part-time employees earn a quarter day of personal leave for every 160 hours worked. Both full-time and part-time employees have a maximum annual accrual of three (3) days per fiscal year, except in the limited circumstances where the City has entered into a separate agreement with a recognized employee bargaining unit.

B. Leave Maintenance

Employees’ personal leave allowance shall be held in the Personal Account and the Legacy Personal Account, if applicable. Personal leave accounts shall only be used by the employee for whom the account was created.

1. Personal Account

The Personal Account is used to hold employees’ current year leave allowance beginning after July 1, 2015. Eligible full-time employees’ maximum personal leave allowance for the fiscal year is deposited into the Personal Account on July 1st of each fiscal year.

Eligible part-time employees personal leave accrued during the current fiscal year will be held in the Personal Account.

The Personal Account shall not exceed the maximum personal leave allowance described in section IV(A) in any fiscal year. Personal Leave Account balances may only be used in the year in which they are accrued. Personal Account leave balances are non-transferable. The balance of leave remaining in the Personal Account at the end of each fiscal year will be forfeited.

Personal leave stored in the Personal Account is available for immediate use in accordance with subsection V.

2. Legacy Personal Account

A Legacy Personal Account shall be created for employees with unused personal leave balances as of June 30, 2015. The employee’s unused personal leave shall be transferred into the Legacy Personal Account on July 1, 2015, with no additional transfers permitted after July 1, 2015. The account is available for use upon exhaustion of the leave held in the Personal Account. Legacy Personal Accounts shall be permanently closed upon reaching a zero balance.

3. Change in Status

Eligible employees that change status from full-time to part-time during the current fiscal year will have their Current Year Personal Account reduced to the total number of days the employee accrued based on the hours worked according to subsection IV(A).

Vacation and Personal Leave

Eligible employees that change status from part-time to full-time during the current fiscal year will be credited with the difference between the maximum personal leave allowance for the fiscal year corresponding to their step and the total days they accrued while in part-time status.

Adjustments to an employee’s leave balance based on an employee’s change in status will be made by the Bureau of Accounting and Payroll.

V. LEAVE USAGE

Employees must obtain approval prior to using personal or vacation leave. Personal and vacation leave can be used for any absence. A full day is equivalent to the number of paid hours in a single shift for each employee based on the employee’s labor union or professional association affiliation. A three work day notice is needed for all requests for personal leave. A three work day notice is needed for all requests for vacation leave of less than one work week. A one work week notice is needed for all requests for vacation leave of more than one work week.

All reasonable requests for leave shall be considered and approved, unless doing so would result in demonstrable operational hardship.

A. Prohibited Usage

Employees serving their initial probationary period are prohibited from using vacation leave during the first 6 months (180 days) of employment. Employees who transfer from a regular position to a temporary position will receive payment for vacation and personal leave in accordance with Section VIII of this policy.

B. Religious Accommodation

Agencies must grant all requests for personal leave for religious activities, regardless of seniority, unless doing so would result in demonstrably severe operational hardship.

C. Executive Orders

No employee shall be charged for pre-scheduled leave on days the City closes due to an Executive Order. Employees shall be charged the full pre-scheduled leave on days the City works on a modified schedule due to an Executive Order.

VI. OUT OF PAY STATUS

Employees shall not accrue vacation or personal leave while in an out of pay status.

Full-time employees shall have their Personal Account reduced according to the appropriate

Vacation and Personal Leave

accrual rate for the period in which the employee is in an out of pay status. Full-time employees that use more leave than they accrue during the fiscal year because of their out of pay status will owe the City for the amount of unearned leave used. To collect the balance of any unearned leave used by an employee, the City will (1) deduct an equal period of time from the employees other accrued leave on June 30 of the fiscal year or (2) deduct an equal period of time from the employee’s accounts when the employee returns to paid status.

VII. Military Leave

Employees who are granted a military leave of absence may elect: (1) to use accrued vacation and personal leave during their absence in accordance with AM 204-11 Military Leave, or (2) retain any vacation and personal leave accrued prior to their military leave of absence for credit to their leave account upon reinstatement to City service.

VIII. SEPARATION FROM EMPLOYMENT

Employees shall receive payment for vacation and personal leave upon separation of employment as set forth in VIII (A) and (B) below. The rate of pay shall be based on the employee’s regular rate of pay at the time of separation. Any employee who uses unearned leave shall owe the City for the amount of unearned leave used. The City will (1) withhold money from the employee’s final leave payout, (2) deduct an equal period of time from the employee’s other accrued leave, or (3) pursue legal action when necessary to recover the value of the used but unearned leave.

A. Vacation Leave

Employees shall receive payment for the balance of unused vacation leave in their Legacy Vacation Account or a maximum of 45 days from the combination of the Legacy Vacation Account and Vacation Account, whichever is greater.

Employees that do not have a Legacy Vacation Account shall receive payment for the balance of unused leave in their Vacation Account.

B. Personal Leave

Employees shall receive payment for the balance of unused leave in the Legacy Personal Account only.

IX. AUTHORITY

The City of Baltimore Department of Human Resources issues this policy pursuant to the authority of the Charter of Baltimore City, Article VI, Section 12.

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AM-204-4

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Vacation and Personal Leave

RELATED POLICIES

AM-204-1 Annual Holidays
AM-204-12 Length of Service
AM-204-13 Time Off by Executive Order
AM-204-30 Determination of Benefits
AM-205-7 Separation and Payment at Termination
AM-208-1 Leave of Absence without Pay

Jury Service and Witness Duty

The City of Baltimore (“City”) recognizes that jury service and witness duty are an important civic responsibility, and all employees are encouraged to fulfill these obligations.

I. PURPOSE

The purpose of this policy is to establish the requirements for providing paid leave to an employee summoned to perform jury duty or appear as a witness (to testify on behalf of the federal, state, or local government).

II. SCOPE

This policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, probationary employees, as well as elected officials and their appointed staffs.

III. PAID LEAVE

Employees required to perform jury duty or subpoenaed as a witness as described below, will be granted paid time off from their regular work schedule for the period of their service and will not be required to use their own accrued vacation, personal, sick, or compensatory leave.

A. Jury Duty

An employee who is summoned to perform jury duty, including grand jury duty, shall be granted jury service leave with pay.

B. Witness Service

An employee subpoenaed as a witness to testify on behalf of the federal, state, or local government, shall be granted jury service leave with pay.

C. Other

Employees who are subpoenaed to appear in court for other reasons may use paid leave, as appropriate, or leave without pay.

IV. NOTICE AND VERIFICATION

A. Notice

When an employee is summoned to serve as a juror or subpoenaed to appear in court, the employee must inform the immediate supervisor as soon as possible regarding the anticipated absence from work. A copy of the summons or subpoena must be provided with the request for leave by the employee to the supervisor as soon as practical.

Jury Service and Witness Duty

B. Verification

Upon completion of jury duty or witness duty, but no later than two (2) business days after completion of service, an employee must provide their supervisor with official verification that the leave was due to jury service or witness duty.

V. POSTPONMENT OF SERVICE

On occasions where scheduled jury service is expected to cause operational hardship to an Agency, the employee may be asked to request a postponement. In such cases, the employee will be responsible for contacting the court and making the request. City Agencies will make every effort to manage operational challenges without having to resort to postponement.

VI. REPORTING BACK TO WORK

An employee who is dismissed from jury service or witness duty before the end of the workday will be expected to return to work. However, an employee who has performed four (4) or more hours of jury service or witness duty (inclusive of travel time) will not be required to report to an evening work shift that begins either:

1. On or after 5:00 p.m. on the day of the employee's jury service or witness duty; or
2. Before 3:00 a.m. on the following day. In these cases, the employee should report back on his or her next scheduled work shift.

VII. RETALIATION PROHIBITED

This policy strictly prohibits any form of retaliation (or threats of retaliation) for requesting or taking leave under this policy. Any retaliation by a supervisor will result in disciplinary action, up to including discharge from employment. Concerns about retaliation should be promptly reported to the Agency's Human Resources Practitioner.

VIII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

IX. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

X. RELATED POLICIES

AM 202-1 Compensatory Leave

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AM 204-5

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Jury Service and Witness Duty

AM-204-4 Vacation and Personal Leave
AM-208-1 Leave of Absence without Pay

m ***Lactation Accommodations Policy***

In recognition of the health benefits of breastfeeding for infants and their mothers, this policy provides reasonable break time during the workday to express milk and requires agencies to provide an appropriate room for this purpose. This policy is designed in compliance with the Fair Labor Standards Act (FLSA), 29 U.S.C. § 207 (r).

1. ELIGIBILITY

This policy applies to all City employees, including full and part-time, probationary, seasonal, and temporary employees, as well as elected officials and their appointed staff.

2. REASONABLE BREAK TIME

For up to one (1) year after the birth of a child, an employee will be permitted to take reasonable breaks during the workday to express breast milk. Although such breaks are generally unpaid, employees will be permitted to use regular meal and rest breaks for the purpose of expressing milk. Where additional time is need, employees must use their accrued leave.

Employees may use up to five (5) days of accrued sick leave for lactation purposes. Sick leave used for lactation breaks will count toward the five-day maximum provided by labor agreement for the care of an immediate family member, where applicable. Employees may also use accrued personal, vacation, or compensatory leave. If the employee does not have enough accrued leave, her leave will be reduced in subsequent pay periods until the leave debt is satisfied.

In addition, agencies may authorize flexible work arrangements (such as adjustments to the timing of regular breaks and to the start and end times of an employee’s work shift) to help facilitate a lactation schedule. The decision to grant flexible work arrangements will be at the sole discretion of the agency. Agencies may also unilaterally modify or terminate a flexible work arrangement, provided the employee’s need for accommodation is otherwise satisfied.

Employees of the Baltimore City Fire Department should refer to the department’s internal policies and procedures governing leave for lactation purposes. Where a conflict exists, the department’s own internal policies and procedures shall apply.

Agencies must provide a reasonable amount of break time to express milk. Although the frequency and length of such breaks may vary, a breastfeeding employee will typically require between two and three breaks in an eight-hour period. Such breaks often last anywhere from fifteen to thirty minutes with additional time needed for set-up and clean-up. It is expected that the employee will express milk before the start of her shift so that she will be ready to begin working immediately upon arrival at work.

m ***Lactation Accommodations Policy***

Employees and their supervisors should work cooperatively to determine appropriate times to take lactation breaks during the workday, taking into consideration both the employee’s biological needs and the agency’s operational requirements. Employees must make a good faith effort to schedule breaks at times that minimize disruption to the agency’s operations.

An agency may, at its sole discretion, continue an employee’s lactation accommodation, either with or without modification, beyond one year. The decision to extend the accommodation will be made in consultation with an agency Human Resources representative.

An employee who fails to use a lactation accommodation for its intended purpose may be subject to disciplinary action, up to and including discharge.

3. LOCATION OF BREAKS

Although agencies are not required to maintain a permanent, dedicated space for expressing milk, a room must be made available when requested. Such locations must be private, shielded from view, and not located in a restroom or shower room. In addition, the room must be free from any intrusion by co-workers or the public. Agencies can ensure privacy by selecting a space with a locked door or by providing appropriate signage to indicate when the space is in use.

If a dedicated lactation room is not available in the employee’s workplace, an agency may consider such other options as reserving a conference room as needed, adapting a clean and infrequently used storage area, or converting an unused office or other room. If an employee has a private office, it may be used for this purpose.

Any location used for lactation purposes must contain a chair and a flat surface (other than the floor) on which to place a pump. Agencies should also make every effort to identify a space that contains an electrical outlet and nearby access to running water. The room should be located as close to the employee’s work area as possible to reduce the amount of time required for the break. Employees will be responsible for keeping the lactation room clean using anti-microbial wipes or disinfectant and for bringing their own supplies for this purpose.

If an employee does not have space in her designated work area for storing a pump, or lacks a designated work area, the agency must provide a location where the employee’s pump can be stored.

Where space limitations or the nature of the employee’s work present special challenges to scheduling or otherwise accommodating lactation breaks, agencies should contact the Department of Human Resources (DHR) for guidance.

m ***Lactation Accommodations Policy***

4. STORAGE OF BREAST MILK

Employees are responsible for making arrangements for storing expressed milk. Milk may be stored in a refrigerator located at the worksite, provided the refrigerator is not also used for the storage of biohazards or lab specimens. The employee must provide her own containers for expressed milk, which must be concealed in a labeled, personal storage bag.

If there is no refrigerator available, employees must provide their own means to store and keep the milk cold, such as a personal storage cooler. If the employee does not have space for a cooler in her designated work area, agencies must provide a location where it can be stored.

The City of Baltimore is not responsible for the integrity or security of breast milk stored on City property.

5. REQUESTING BREAK AND ROOM ACCOMMODATIONS

Employees should provide their supervisors with as much advance notice as possible that a lactation accommodation will be needed. Likewise, the employee must promptly notify her supervisor when a lactation accommodation is no longer needed or when fewer or shorter breaks are required.

Upon receipt of a request for lactation accommodation, the supervisor will promptly contact an agency Human Resources representative. The supervisor and HR will work together, and in consultation with the employee where necessary, to determine the details of the lactation accommodation – including appropriate break times, any adjustments to the employee’s work schedule, a suitable location for breaks, and whether or how the employee’s paid leave will be used. The accommodation arrangement must be memorialized in writing with a copy provided to the employee.

An agency may at its discretion modify the specific terms of an accommodation (including break times and location of the lactation room), provided the employee’s need for accommodation is otherwise satisfied.

6. EDUCATION AND SUPPORT PROGRAMS

The Baltimore City Health Department offers a variety of education and support programs for breastfeeding mothers that are also available to City employees. These programs include, for example, prenatal and postpartum breastfeeding classes, informational materials and lactation support resources. The classes are held at the Women, Infants and Children (WIC) program

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AM-204-7

m ***Lactation Accommodations Policy***

clinics. All programs and services are available to mothers, fathers and their partners.

Although City employees are generally responsible for bringing to work their own personal pump and accessories, the Health Department has a limited number of electric hospital grade pumps and related supplies available for use on loan during working hours. Pumps and supplies are available on a first-come, first-served basis.

Questions about these programs and services should be directed to the Health Department.

7. RETALIATION PROHIBITED

This policy strictly prohibits any form of retaliation (or threats of retaliation) for requesting or receiving an accommodation under this policy. Any retaliation will result in disciplinary action, up to and including discharge from employment. Concerns about retaliation should be promptly reported to an agency Human Resources representative.

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AM-204-7-1

m Lactation Accommodation Confirmation Letter

[DATE]

[NAME]

[ADDRESS]

[ADDRESS]

Re: Lactation Accommodation

Dear [EMPLOYEE NAME],

Congratulations on the birth of your child and welcome back to work. You informed us that you intend to breastfeed your child and will require a lactation accommodation under AM-204-7 (*Lactation Accommodations*). This letter is to memorialize the accommodation we have agreed to, as well as to provide you with some important guidelines.

Please note that we will provide you with an accommodation for up to one (1) year from the birth of your child or until [DATE – ONE YEAR FROM CHILD’S BIRTH]. We may at our discretion extend the accommodation beyond one year (with or without modification), if requested to do so. Any decision to extend, however, will depend on the operational needs of the agency.

The accommodation we have agreed to provide is as follows:

1. We will allow you to take reasonable break time during the work day to express milk. Although we understand that the length and frequency of breaks may vary by individual, U.S. Department of Labor guidelines suggest that usually no more than two or three breaks in an eight- hour period will be necessary. It is our expectation that you will be ready to work when you start your shift, meaning that you will have taken the time to express milk before the workday starts. You are expected to work cooperatively with us to schedule and take breaks in a manner that does not disrupt agency business or services.
2. You will use your regularly scheduled rest and meal periods for lactation purposes, and we will allow you to structure those break periods as follows: [SPECIFIC TIME(S) OF DAY EMPLOYEE WILL TAKE LACTATION BREAKS AND APPROXIMATE LENGTH OF BREAKS]. If you require additional time for lactation (beyond regular rest and meal periods), you must use accrued leave – personal, vacation, compensatory and up to five (5) days of sick leave. Any sick leave used will count toward the five days provided by labor agreement for use in caring for an immediate family member, where applicable. If you do not have sufficient accrued leave, we will reduce your leave as it accrues.

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AM-204-7-1

m Lactation Accommodation Confirmation Letter

3. You will take your breaks at the following location: [IDENTIFY LACTATION ROOM – E.G. CONFERENCE ROOM, EMPLOYEE’S OFFICE, PERMANENT LACTATION FACILITY]. You are responsible for keeping the room clean during and after use. You must also provide your own pump and other needed supplies, which should be stored in your personal work space.
4. You are responsible for storing your own breast milk. If your work area has a shared refrigerator for use by employees, you may store your milk there, provided the refrigerator is not also used to store biohazards or lab specimens. You are responsible for providing your own containers for expressed milk, which must be concealed in a labeled, personal storage bag. If there is no refrigerator available, you must provide your own means to store and keep the milk cold, such as a personal storage cooler. The City of Baltimore is not responsible for the integrity or security of breast milk stored on City property.
5. If you do not have a place to store your pump or a personal storage cooler, we will provide a storage space for you. The City is not responsible for personal items stored on City property.
6. If at any time you decide to stop breastfeeding your child, you must promptly notify us of your decision. You must also promptly notify us if you require fewer or shorter breaks. You will be responsible for accurately tracking and reporting leave used for lactation purposes. Any failure on your part to accurately report leave usage, or to use the accommodation for its intended purpose, may result in disciplinary action.

Please be advised that we may, at our discretion, modify this accommodation at any time. If modifications are needed, we will notify you in writing.

We hope this accommodation will help facilitate your efforts to breastfeed your child. If you have any questions about these arrangements or require assistance, please do not hesitate to contact [NAME OF HR CONTACT] at [PHONE NUMBER AND E-MAIL].

Sincerely,
[HR REPRESENTATIVE]

I have read and agree to the above terms,

[EMPLOYEE NAME] [DATE]

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AM-204-7-2

m Lactation Accommodation Leave Tracking Form

Leave Used for Pay Period Beginning _____ Ending _____

Employee Name: _____ I.D. _____

Agency: _____

Week of _____

Date	Break 1	Break 2	Break 3	Total Leave	Leave Type

Week of _____

Date	Break 1	Break 2	Break 3	Total Leave	Leave Type

I certify that the above leave was used for lactation purposes and in accordance with the terms of my lactation accommodation.

Employee's Signature _____

Date: _____

Supervisor Signature _____

Date: _____

m ***Leave of Absence: Bereavement*****SCOPE**

This policy governs leave of absence with pay for a City employee who experiences a death in the immediate family and establishes leave of absence with pay for death of other relatives. Any subsequent change to the policy is dependent upon the negotiated agreement between the Mayor and City Council and the employee's designated bargaining unit.

IMMEDIATE FAMILY

For purposes of this policy, the immediate family includes the employee's:

- Mother
- Father
- Sister
- Brother
- Spouse
- Children
- Mother-in-law
- Father-in-law
- Registered Domestic Partner
- Step or half-blood relationships

In certain instances, the leave of absence with pay benefit for death in the immediate family may include other specified individual(s), such as grandparent and/or grandchild, as part of the immediate family, depending upon the employee's bargaining unit.

LEAVE ENTITLEMENT

Four (4) consecutive working days' leave with pay shall be granted upon request in the event of a death in an employee's immediate family, as cited in the section "Immediate Family." The four (4) days shall commence at the option of the employee on the date of death or the day following the day of death, or in conjunction with a memorial or funeral service.

Employees who require additional time off beyond these four (4) days may request and may be granted additional reasonable time off charged to vacation or personal leave, or compensatory time.

OTHER RELATIVES

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AM-204-8

m ***Leave of Absence: Bereavement***

A city employee may be entitled to one (1) days' leave of absence with pay for the death of other relatives, e.g. aunt, uncle, grandparent, grandchildren, etc., depending upon the employee's bargaining unit. Other relatives for whom a City employee may be authorized bereavement leave are specified by the employee's designated bargaining unit.

In this instance, the one (1) days' leave must be taken at the option of the employee within four (4) calendar days of the date of death or the day following the day of death, or in conjunction with a memorial or funeral service.

EXCEPTIONS TO THIS POLICY

An employee who divorces his or her spouse is no longer entitled to bereavement leave for the death of a former spouse or the parents of a former spouse. Great grandparents are not covered under this policy. The death of an aunt, uncle, brother or sister of an employee's spouse is not covered under this policy. Common law marriages are not valid in the State of Maryland. Therefore, this policy does not cover the death of a common law spouse.

VERIFICATION

A leave of absence with pay granted for death in the immediate family or other relatives is subject to reasonable verification upon request of the immediate supervisor.

PAYROLL MARKINGS

Appropriate payroll markings should be used in recording attendance and marking the PAYROLL ATTENDANCE REPORT (147-093) which is submitted to the Bureau of Accounting and Payroll Services. The designated code of "P", Permission, should be entered next to the appropriate date(s) with an explanation of the marking in the "REMARKS" column.

RELATED POLICIES

AM-216-1 DEATH BENEFITS

[AM-204-29](#) DOMESTIC PARTNERS BENEFITS

m Attendance at Union Conferences and Conventions**SCOPE**

City employees who are members of certain recognized city unions may be granted paid administrative leave for attendance at union conferences and conventions each year subject to the negotiated contract between the responsible parties.

CITY UNION OF BALTIMORE

All officers, stewards, and members of CUB conferences shall be granted Administrative Leave with pay in the amount of 175 staff-days each year with a maximum of 12 days for any elected officer and 5 days for any other employee. (Conferences or meetings sponsored by the City in which the Union is asked to participate shall not be charged to this leave.)

LOCAL 44

Each year, a total of 15 employees who are officially designated as delegates to regularly scheduled union conferences and conventions will be granted leave without loss of pay to attend such meetings. However, no individual will be granted such leave for these meetings more than once per year.

NURSES

Employees officially designated by the union to attend scheduled conferences and conventions shall be granted leave without loss of pay, subject to scheduling needs of the department.

This leave must be requested at least three weeks in advance. No more than 20 staff days in a calendar year will be available. However, no employee will be granted this leave more than once each calendar year.

REQUEST FOR USE OF UNION LEAVE

All requests for use of union leave should be submitted to the Office of the Labor Commissioner (OLC) at least one week in advance of its usage. Requests for union leave that are submitted with less than one week's notice be handled on a case by case basis. Consideration will be given to the impact on the agency's operation.

The OLC will review and approve the leave. A written notice will be sent to the agency(ies) personnel officer with name(s) of affected employee(s) and date(s) such leave will be used.

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AM-204-9

m Attendance at Union Conferences and Conventions

When the approval of the union leave would affect the efficient operations of an agency, the personnel officer should submit a written notice to the OLC requesting that the leave be denied.

The OLC will notify the union(s) if union leave is denied.

m ***Job-Related Injury and Illness*****SCOPE**

This policy is intended to provide employees with a comprehensive response to on-the-job injuries and illnesses, prompt medical treatment and a timely return to work. It complies with OSHA regulation 29 CFR 1904.35 on informing each employee how to report on-the-job injuries and illnesses.

POLICY SECTIONS

- Definitions
- Reporting Requirements
- Employee Responsibilities
- Supervisor Responsibilities
- Severe Injuries/Out of Town on City Business Injuries
- City of Baltimore Occupational Medical Services (Mercy Clinic)
- Notification of Return to Duty
- Job Injury Leave
- Leave Usage
- Delayed or Failure to Report Incidents - Progressive Disciplinary Procedures
- Fraud Warning
- Related Policies
- Related Procedures and/or Documents

DEFINITIONS

City of Baltimore Occupational Medical Services – A health care organization designated by the City of Baltimore and confirmed. by contract that provides medical services on behalf of the City of Baltimore for on-the-job. injuries and illnesses at the site designated. For this policy, the site designated is the City of Baltimore Occupational Medical Services (Mercy Clinic), 323 N. Calvert St., Baltimore, MD 21202.

Discharge Instructions – A written document provided to employees seen at the Mercy Clinic at the end of each visit that indicates diagnosis, treatment plan, work status and the time and place of the employee's next visit. The employee should give a copy of the document to his/her supervisor

m ***Job-Related Injury and Illness***

immediately following each appointment.

Employee – This includes permanent full-time, permanent part-time employees and temporary employees contracted directly by the agencies (seasonal employees). It excludes consultants, volunteers and staff provided by temporary personnel agencies. For specific information on who is considered an employee for workers' compensation purposes, contact the City's Department of Finance, Office of Risk Management, at 410-396-5115.

Employee Incident Report (EIR) – A City form that is used to report job-related injuries and illness. The warehouse form number is 28-1608-5149. It is to be completed within 24 hours by the supervisor, called into Teleprompt at 1-877-607-8600 and then sent to the Third Party Administrator. The employee is to take the EIR form with him/her to the clinic for treatment.

The EIR form has 4 parts:

1. **Original** – is for the Third Party Claims Administrator (TPA). (The current TPA is Key Risk);
2. **Safety** – is designated for the Division of Occupational Safety;
3. **Medical Services** – is the copy which accompanies the employee to the Mercy Clinic; and
4. **Agency** – is to be retained with the Agency Human Resources Office.

Medical Director – A physician licensed in the State of Maryland and board certified in Occupational and Environmental Medicine who oversees the operation of the City of Baltimore Occupational Medical Services and serves as the chief physician of the City for matters of City employee medical services.

Supervisor – An employee designated by management, who exercises major, supervisory functions over other employees. These functions include hiring, evaluating, assigning work, disciplining, and dismissing.

Third Party Administrator (TPA) – An organization designated by the City of Baltimore to receive, investigate and process claims pursuant to a service contract and in accordance with the Maryland Workers' Compensation statute. For this policy, the TPA is Key Risk, 7 St. Paul Street, Suite 450, Baltimore, MD 21202.

Workers' Compensation Claim – A workers' compensation claim is a report of a job-related injury or illness that arises out of or in the course of his/her employment with the City (whether at the regular jobsite, a temporary jobsite, traveling on business for the City or driving on City business) that has been reported to the TPA and the Workers' Compensation Commission within the statutory time frame.

m ***Job-Related Injury and Illness*****REPORTING REQUIREMENTS**

Prompt reporting of job-related injuries and illnesses is essential for the following reasons:

- An employee will not be treated at the Mercy Clinic (unless the injury is severe) without a copy of the completed EIR, resulting in delayed medical attention.
- The TPA cannot set up a claim, authorize treatment or payments until the EIR has been called into Teleprompt or a copy of the completed EIR has been received by mail or fax.
- The Maryland Department of Labor, Licensing and Regulation as well as the Maryland Workers' Compensation Commission can levy late reporting actions against the City. If the City of Baltimore is fined for late reporting, any fine up to \$1,000 will be charged back to the agency responsible for the late reporting.
- Failure to report incidents or delayed reporting of incidents by employees and supervisors may result in disciplinary action.

EMPLOYEE RESPONSIBILITIES

Employees shall follow these procedures in the event of a job-related injury or illness:

1. Report any job-related injury or illness to the appropriate supervisor on the date or shift that it occurs, unless incapacitated.
2. Complete the appropriate section on the EIR and sign it as soon as possible.
3. Report to the Mercy Clinic (323 N. Calvert Street, Baltimore, MD 21202) to seek evaluation and treatment with the EIR copy for Medical Services. A valid City identification and a copy of the EIR are required.
4. Provide the supervisor with the agency's copy of the Discharge Instructions immediately following each appointment. The document includes the patient's diagnosis, work status, return appointment and any information relating to a referral outside of the clinic.

SUPERVISOR RESPONSIBILITIES

The supervisor's first priority is to see that prompt medical treatment is provided to an injured employee. In the event of a serious job-related injury or illness, dial 911. The employee should be taken to the closest medical facility.

In all other cases, when an employee reports a job-related injury or illness, the supervisor shall follow these procedures:

1. Complete the EIR form (#28-1608-5149) and send the employee to the clinic with the EIR copy for "Medical Services."

m ***Job-Related Injury and Illness***

2. Call the Teleprompt number (1-877-607-8600) with the EIR available. The claim reporting telephone number is available 24 hours a day, 7 days a week. This is an essential step as it officially establishes a claim with the TPA. Immediately calling Teleprompt ensures prompt services will be provided to injured employees.
3. Do not delay in calling Teleprompt if additional investigation is needed. Required fields for reporting to Teleprompt are: employee's name, address, phone number, date and description of injury, agency name, and contact information.
4. Forward the completed "Original" copy of the EIR form to the Key Risk (TPA) at
FAX: 410-864-2600 or mail to 7 St. Paul Street, Suite 450, Baltimore, MD 21202.
5. Send the "Safety" copy by mail, facsimile or in person to the Department of Finance, Office of Risk Management, Division of Occupational Safety, 401 E. Fayette Street, 7th Floor, Baltimore MD 21202 or FAX to 410-396-7278.
6. Send the copy designated for "Agency" to the Agency Human Resources Office.
7. Coordinate with the Agency Human Resources Office to provide light duty or transitional work assignments in accordance with the medical restrictions on the Discharge Instructions.

Supervisors shall follow these accident investigation procedures to ensure a complete report:

1. Report to the incident site, when possible.
2. Obtain names and addresses of all witnesses.
3. Interview and document statements of witnesses. Accurately note date, time, place, weather, and circumstances surrounding the accident. Obtain, produce or sketch detailed drawings and measurements. Take photographs of the site, if possible. Document first aid and medical treatment provided to all parties. Identify use of safety equipment and personal protective equipment.
4. Secure and preserve all evidence in regard to the incident.
5. Avoid disputes and make no commitments relative to repairs and acceptance of liability.
6. When the accident investigation is complete, every question on the completed EIR form shall be answered. Again, do not delay reporting the initial claim to Teleprompt. The EIR can always be forwarded to the TPA when completed.

SEVERE INJURIES OR OUT OF TOWN ON CITY BUSINESS INJURIES

If a job-related injury is severe or occurs when the employee is on City business out of the area, the

m ***Job-Related Injury and Illness***

employee must go to an urgent care or emergency center for treatment and then contact the supervisor to process an EIR. The supervisor prepares the EIR and calls Teleprompt (1-877-607-8600) to report the claim. The employee must be seen at Baltimore City Occupational Medical Services (Mercy Clinic) for an initial examination as soon as medically able. After being seen at the City of Baltimore Occupational Medical Services (Mercy Clinic), a plan of care is developed and managed by the Medical Director. The Medical Director at Mercy Medical Center will request medical records from the original treating facility. Mercy or the attending physician will issue Discharge Instructions indicating return to work abilities.

CITY OF BALTIMORE OCCUPATIONAL MEDICAL SERVICES

Except for severe injuries and illnesses and those that occur on City business out of the area, all on-the-job injuries and illnesses shall be treated at City of Baltimore Occupational Medical Services (Mercy Clinic). The clinic shall provide ongoing appropriate medical care if the injured worker's injury or illness is found to be covered under the Maryland Workers' Compensation statute. The decision of whether a claim is covered or not is determined by the TPA. The Mercy Clinic shall evaluate the employee's injury or illness, order any necessary tests, make a diagnosis, establish a treatment plan, recommend work status and schedule the next appointment. The Medical Director may also refer the employee to an additional medical care provider who will facilitate care.

NOTIFICATION OF RETURN TO DUTY

Before leaving the Mercy Clinic, the employee will be given a written document in duplicate, called Discharge Instructions. This document will include the patient's diagnosis, work status, return appointment date and any information relating to a referral outside of the clinic. It is the employee's responsibility to provide the supervisor with the agency's copy of the Discharge Instructions, no later than the start of the employee's next scheduled shift.

JOB INJURY LEAVE

The TPA will generate a First Report of Injury and send a copy to the reporting agency within 48 hours. The TPA will make a determination as to the whether the claim is covered or not (compensability) within 14 working days after receiving the EIR and necessary documentation. If the Discharge Instructions authorize days off from work due to a covered injury, the TPA generates an Accident Leave Voucher (A-time) authorizing compensable covered dates. It is forwarded by the TPA to the agency's human resources/personnel office and the Department of Finance, Central Payroll Division, authorizing the employee to be paid Accident Leave (A-time).

LEAVE USAGE

Job injury leave is granted for a specific period of time and is not charged against accumulated sick leave, vacation leave, personal leave or compensatory time. The maximum amount of job injury leave granted to an employee is established by the applicable labor agreements negotiated by the employee's representative organization.

Job-Related Injury and Illness

For additional information on job injury leave, employees should consult their negotiated labor agreement, their Agency's Human Resources Office, or the City's website at www.ci.baltimore.md.us/governmentlabor/index.html.

DELAYED OR FAILURE TO REPORT INCIDENTS- PROGRESSIVE DISCIPLINARY PROCEDURES

Delays or failures by employees and supervisors to report a job-related injury or illness, complete an EIR, or contact the TPA using Teleprompt, may result in disciplinary action up to and including termination.

FRAUD WARNING

It is a crime to lie or provide false information in order to receive workers' compensation benefits. Employees, employers and other parties who lie or provide false information regarding a claim are subject to prosecution for fraud. The Fraud Hotline of the TPA is available 24 hours a day, 7 days a week by calling 1-866-841-1044. Information about Workers' Compensation fraud should also be communicated to the Maryland Workers' Compensation Commission at 1-800-492-0479, 410-864-5100.

RELATED POLICIES

- | | |
|--------------------|---------------------------|
| AM-203-2, | FAMILY AND MEDICAL LEAVE |
| AM-501-2, PART II, | COMMERCIAL DRIVER LICENSE |
| AM-501-10, | MOTOR VEHICLE ACCIDENT |

RELATED PROCEDURES AND/OR DOCUMENTS

- Employee's Incident Report (EIR)
- TPA (Key Risk) – Workers Compensation – “First Report of Injury or Illness” - TPA generated documents used by TPA to generate/confirm the existence of a submitted claim.

m ***Job-Related Injury and Illness*****SCOPE**

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m ***Job-Related Injury and Illness***

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4. Secure and preserve all evidence in regard to the incident.
5. Avoid disputes and make no commitments relative to repairs and acceptance of liability.
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LEAVE USAGE

Job injury leave is granted for a specific period of time and is not charged against accumulated sick leave, vacation leave, personal leave or compensatory time. The maximum amount of job injury leave granted to an employee is established by the applicable labor agreements negotiated by the employee's representative organization.

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Job-Related Injury and Illness

For additional information on job injury leave, employees should consult their negotiated labor agreement, their Agency's Human Resources Office, or the City's website at www.ci.baltimore.md.us/governmentlabor/index.html.

DELAYED OR FAILURE TO REPORT INCIDENTS- PROGRESSIVE DISCIPLINARY PROCEDURES

Delays or failures by employees and supervisors to report a job-related injury or illness, complete an EIR, or contact the TPA using Teleprompt, may result in disciplinary action up to and including termination.

FRAUD WARNING

It is a crime to lie or provide false information in order to receive workers' compensation benefits. Employees, employers and other parties who lie or provide false information regarding a claim are subject to prosecution for fraud. The Fraud Hotline of the TPA is available 24 hours a day, 7 days a week by calling 1-866-841-1044. Information about Workers' Compensation fraud should also be communicated to the Maryland Workers' Compensation Commission at 1-800-492-0479, 410-864-5100.

RELATED POLICIES

AM-203-2,	FAMILY AND MEDICAL LEAVE
AM-501-2, PART II,	COMMERCIAL DRIVER LICENSE
AM-501-10,	MOTOR VEHICLE ACCIDENT

RELATED PROCEDURES AND/OR DOCUMENTS

Employee's Incident Report (EIR)

TPA (Key Risk) – Workers Compensation – “First Report of Injury or Illness” - TPA generated documents used by TPA to generate/confirm the existence of a submitted claim.

Military Leave

The purpose of this policy is to provide employees with time-off from work for military service and to ensure compliance with local, state and federal laws relating to the employment of individuals in the uniformed services, including the *Uniformed Services Employment and Reemployment Rights Act* (USERRA), as amended, 38 U.S.C. §§4301-4334. This policy is designed in compliance with USERRA and will be construed in accordance with its provisions.

1. ELIGIBILITY FOR LEAVE

All employees are eligible to take military leave for uniformed service, including employees who are full or part-time, probationary, seasonal, temporary, elected, appointed, or at-will. There is no minimum amount of time an employee must have worked for the City to become eligible for leave under this policy. Leave will be granted for both voluntary and involuntary service.

The uniformed services includes: the Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard) or a Reserve component of one of these branches; the Public Health Service Commissioned Corps; the Maryland organized militia (Maryland Army National Guard, the Maryland Air National Guard, the Inactive National Guard, and the Maryland Defense Force); and any category of persons designated by the President in time of war or national emergency. The uniformed service also may include service the National Disaster Medical System, as provided in 42 U.S.C. § 300hh-11(e).

Leave may be taken for a variety of military activities, including (but not limited to) periods of active military service, active and inactive duty training, initial active duty training, funeral honors duty, and fitness-for-service examinations.

2. NOTICE OF NEED FOR LEAVE

Employees must provide advance notice to their supervisors before taking military leave, except in the rare case when advance notice is prevented by military necessity or would otherwise be impossible or unreasonable. Notice may be given orally or in writing and may be communicated by the employee’s military command.

Employees must provide notice to their supervisors (and a copy of their orders) as soon as they have knowledge of a service obligation. National Guard and Reserve members should provide their agencies with copies of annual drill and training schedules and orders as soon as they become available. Employees are responsible for notifying their agencies when orders have been updated or extended.

Before departing for leave, employees should complete a *Military Leave of Absence Form* (AM-204-11-1). Agencies will provide service members with a copy of the form as soon as notice is given. In situations where the employee’s military orders provide short notice of an impending

Military Leave

service obligation, agencies will work with the service member to gather the information requested on the form.

3. STATUS DURING LEAVE

Except as provided in Section 4 below, military leave is unpaid. Employees may at their election use their accrued vacation, personal, or compensatory leave during their absence. Sick leave may not be used. If accrued leave is not used, the employee’s unused leave balances will be restored upon return to City employment.

To use accrued leave, the employee must complete a *Military Leave of Absence Form* (AM-204-11-1). Accrued leave days will be applied consecutively at the start of military leave. Once the employee’s accrued leave elections are exhausted, the employee will be placed in an unpaid leave status.

4. PAID MILITARY LEAVE

An employee will receive *paid* leave for military service in the following two circumstances only:

Inactive Duty Training – Employees who are members of a state National Guard, a Reserve unit, or the Maryland militia will be paid up to fifteen (15) working days each fiscal year to attend military training. During such leave, employees receive their full City salary, in addition to military pay, with no loss of vacation, seniority, or performance rating. Any additional leave beyond the fifteen days will be without pay. Unused days will not carry over from year to year.

State Active Duty Service – Any member of the Maryland organized militia who is ordered to state active duty by the Governor of Maryland (usually in times of natural disaster or other public crisis) will be granted paid leave for all time spent in active duty service to the state as provided by MD. CODE ANN., Public Safety § 13-706. The employee will receive his or her full City salary, in addition to military pay, with no loss of vacation, seniority, or performance rating.

In order to receive paid military leave, employees must complete a *Military Leave of Absence Form* (AM-204-11-1) and attach a copy of their military orders. Eligibility for paid leave is subject to verification by the agency and must be reviewed and approved by the Department of Human Resources City agencies and the Department of Human Resources will review paid leave usage annually to ensure that it is awarded in accordance with this policy.

Military Leave

5. HEALTH BENEFITS

During a military leave of absence, employees may continue City health benefits (including vision, dental, and prescription drug coverage) under the same pre-leave benefit elections as follows:

Service of 30 Days or Less – If the period of military service is expected to last 30 days or less, as in the case of National Guard and Reserve training, the City will automatically continue the employee’s health benefits at active employee rates, unless the employee elects to cancel coverage. Payroll deductions will continue for as long as the employee remains in pay status. Thereafter, the employee will be billed directly for any outstanding premiums.

Service of More than 30 Days – If the period of military service is expected to last more than 30 days, employees may elect to continue their City health benefits for up to 24 months or until the deadline for reemployment has passed, whichever comes first. The employee may continue coverage at the employee rate while exhausting accrued leave. Thereafter, the employee will be responsible for paying up to 102% of the premium cost, depending on the benefit.

To continue health benefits during leaves of greater than 30 days, an employee must elect to continue the coverage by completing a *Military Leave of Absence Form* (AM-201-11-1). The City will cancel benefits if an employee fails to make an election or does not make timely payments.

Health benefits for eligible employees and their dependents will be reinstated upon return to City employment. Reinstatement of health benefits will occur immediately upon the first day of reemployment without waiting periods or pre-existing condition exclusions, except for illnesses and injuries related to military service under certain plans.

6. RETIREMENT BENEFITS

Employees who qualify for reemployment after returning from military leave will be treated as if continuously employed for pension benefit purposes, and time spent on military leave will not be considered a “break in employment” for purposes of vesting and accruals.

For members of the *Employee Retirement System* (ERS) and *Elected Officials’ Retirement System* (EOS), credited service will continue during military leave, provided the employee qualifies for reemployment, returns to active City employment within one year of discharge from the military, and provides all required documentation.

Military Leave

Members of the *Fire & Police Employees' Retirement System* (F&P) will receive service credit for military leave during employment, with the City making all mandatory contributions the member would have made if he or she had continued regular full-time employment ("military service contributions"), provided the employee qualifies for reemployment under Section 9 of this policy, returns to active City employment within one year of discharge from the military, and provides all required documentation. F&P members are entitled to the benefit of military service contributions *only upon retirement from City employment*. Accordingly, members who are not eligible for reemployment, or who separate from the City before retiring, will not receive the benefit of military service contributions.

Under all three retirement plans, a member who dies while performing qualified military service will be treated as if actively employed for the purpose of awarding pension benefits, and their beneficiaries will be eligible to receive non-line-of-duty-death benefits. In computing the amount of the benefit, the member will not be entitled to benefit accruals for the time spent in military service.

Contributions to the City's *Deferred Compensation Plan* cease during military leave once an employee is no longer in pay status, although employees may resume their contributions upon return to active City employment. In addition, employees may make "catch-up" contributions for a period of up to three times the length of his or her military leave (not to exceed five years). If called to active duty for more than 179 days, employees may be eligible to withdraw contributions from their accounts without penalty. Upon return from active duty, those funds may be re-deposited in an IRA for up to 2 years.

7. OTHER BENEFITS

Employees on military leave will be eligible for *non-seniority* based benefits to the same extent they are provided to other employees on comparable forms of leave. For example, an employee on a military leave of absence will accrue leave (vacation, personal, and sick) as long as he or she is in pay status. Once the employee falls out of pay status, leave will not accrue, except as provided in AM-208-1 (*Leaves of Absence Without Pay, Parts I & II*).

Likewise, employees on military leave may continue group life insurance coverage through the City to the same extent as employees on other types of long-term unpaid leaves.

8. PROMOTIONAL EXAMINATIONS

Eligible Fire and Police Department employees who cannot attend scheduled ranked promotional examinations due to military service may arrange to take a makeup exam upon return from military leave as provided in AM-204-11-2 (*Military Leave Testing Procedures*).

Military Leave

Employees returning from military leave may also schedule a makeup exam for open and unranked promotional tests. The candidate is responsible for scheduling the makeup exam through the Department of Human Resources, Test Development Division. In order to sit for the exam, candidates must provide a copy of the military orders and written confirmation from their military command that the scheduling conflict could not have been avoided.

Employees will be permitted to take a reasonable amount of time to adjust to reemployment before sitting for the exam. The exam will be a comparable, alternate form of the original test administered under controlled and monitored conditions.

9. REEMPLOYMENT ELIGIBILITY

City agencies must reemploy a returning service member who is eligible for reemployment. To be eligible for reemployment, all of the following criteria must be met:

- a) *Notice* – The employee must have provided advance notice of the military service as required by Section 2 of this policy.
- b) *Length of Service* – The employee must not have exceeded the five-year cumulative limit on military leave, subject to the exceptions outlined in USERRA’s regulations at 20 C.F.R. §1002.103.
- c) *Service Discharge* – The employee may not have separated from uniformed service with a dishonorable or bad conduct discharge, by court martial, or under “other than honorable conditions.”
- d) *Timely Application* – The employee must have applied for reemployment within the time limits mandated by USERRA:
 - Military leave less than 31 days (including fitness-for-service exams) – No later than the first regularly scheduled workday that starts at least 8 hours after the person’s return home from military service.
 - Military leave between 31 and 180 days – No later than 14 calendar days after completing military service.
 - Military leave greater than 180 days – No later than 90 calendar days following the completion of military service.

Military Leave

- Following a Service-Connected Illness or Injury – Within the applicable timeframe listed above following recovery from the service-connected illness or injury. The recovery period may not exceed two years from the date of the completion of service, except where circumstances beyond the employee’s control make reporting within this period impossible or unreasonable.

An employee who fails to apply for reemployment in a timely manner will be subject to the City’s conduct rules, policies and practices relating to an employee’s unexcused absence from work.

In addition, an agency may in its discretion deny reemployment if there has been a change in circumstances that would make reemployment impossible or unreasonable. For example, an agency may deny reemployment if there has been an intervening layoff that would have included the employee’s position. Reemployment may also be denied if the employee’s pre-service position was for a brief, non-recurrent period with no reasonable expectation the employment relationship would continue for a significant length of time, as in the case of seasonal and contractual employment.

Agencies must first contact the Department of Human Resources or the Law Department before denying reemployment to a returning service member.

10. TERMS OF REEMPLOYMENT

Agencies must reemploy a returning employee within a reasonable period, normally within 10 working days. The position to which the employee should be restored will depend on the length of the employee’s military service, as follows:

Service of 90 Days or Less – Employees who serve in the military for 90 days or less must be restored to the same position they would have attained had their employment not been interrupted by military service. If this is a higher-level position, the agency must make reasonable efforts to train the individual for the job. If training is unsuccessful, the agency should return the employee to his or her pre-service position.

Service of Greater Than 90 Days – Employees who serve for longer than 90 days should be restored to the same position they would have attained absent military service or to a position of similar seniority, status, and pay. If an employee is not qualified for the position, the agency must make reasonable efforts to train the employee. If training is unsuccessful, the agency should either place the individual in the pre-service position or

Military Leave

in a position of similar seniority, status and pay to the old position.

Disabled Veterans – Agencies must reasonably accommodate an employee with a service-connected disability in the position he or she would have held absent military service. If the agency is unable to reasonably accommodate the person in this position, the agency must place him or her in a position of equivalent seniority, status and pay. If this is impossible to do, the agency may place the employee in a position of lesser status and pay, but with equal seniority.

Time spent on military leave counts as time served on the job for the purposes of calculating seniority and other benefits determined by seniority, such as annual leave accrual rates. Returning employees will be restored to the pay level they would have attained if not for the military service, which will include cost of living adjustments and longevity increases.

11. APPRENTICESHIPS AND PROBATIONARY PERIODS

Any employee who has not completed a probationary period or apprenticeship before taking military leave will be required to serve the remainder of the probationary period, or complete the apprenticeship, upon return to City employment. Once the employee successfully completes the apprenticeship or probationary period, his or her pay and seniority will be adjusted to reflect all pre- and post-service time worked, plus time served in the military.

12. VERIFICATION OF SERVICE

When an employee returns from a military leave of absence of longer than 30 days, agencies should ask the employee to provide documentation to establish that: 1) the reemployment application is timely; 2) the employee has not exceeded the five-year limit on the duration of service (subject to the exceptions provided in USERRA); and 3) the employee’s separation from service was not disqualifying.

An agency should not delay reemployment while awaiting verification, but rather should temporarily reinstate the employee until appropriate documentation is received. If documentation is not forthcoming, agencies may contact the employee’s military command for assistance.

13. DISCHARGE OF AT-WILL EMPLOYEES

If a service member is reemployed to an at-will position, the agency may not discharge the employee without cause for a period of time, the length of which will depend on how long the employee served in the military. An employee whose military service exceeded 180 days may not be terminated without cause for 1 year. An employee who served for less than 180 days (but

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AM-204-11

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Military Leave

more than 30) may not be terminated, except for cause, for up to 180 days. These protections do not apply when the employee's military service lasts 30 days or less.

14. DISCRIMINATION PROHIBITED

This policy prohibits discrimination against any employee or applicant for employment on the basis of their military status or military obligations. No person will be denied employment, reemployment, promotion, or any benefit of employment on the basis of that membership or service. In addition, no employee or applicant will be subjected to retaliation for having exercised his or her rights under this policy or for having participated in an investigation. Concerns about discrimination or retaliation should be immediately reported to the employing agency's Equal Opportunity Compliance (EOC) Officer or a Human Resources representative.

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AM-204-11-1

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Military Leave of Absence Form

Section I: Employee Information

Employee's Full Name

Date of Birth

Agency/Bureau/Division

Job Title

Mailing Address (While on leave)

Mobile Phone

City, State, ZIP Code

Personal Email Address

Section II: Service Information

Date Ordered to Report for Duty

Length of Duty

Branch of Service

Military Orders (Attach)

Military Point of Contact

Phone

Email Address

Section III: Designated Contact

I designate the person below to receive and open correspondence from the City of Baltimore while I am on military leave, and s/he may act on my behalf concerning matters related to my employment.

Name

Relationship

Address

Phone

Section IV: Paid Leave

I request *paid* military leave for:

- Inactive Duty Training and Drilling (up to 15 working days per year).
- State Active Duty Service (for service performed by order of the Governor of Maryland in response to a state emergency, as provided in MD. CODE ANN., Public Safety § 13-706).

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AM-204-11-1

m **Military Leave of Absence Form**

Section V: Use of Accrued Leave

Accrued leave (vacation/personal/compensatory) may be used if applied continuously at the start of your military leave.

- I elect to use all of my accrued leave.
- I elect to use my accrued leave as indicated below:
 - _____ Days _____ Hours of Vacation Leave
 - _____ Days _____ Hours of Personal Leave
 - _____ Days _____ Hours of Compensatory Leave
- I elect to retain all accrued leave during my absence for use upon my return.
- I do not have any accrued leave.

Section VI: Benefit Elections

Check whether to continue City benefits for which you are currently enrolled. Benefits may be cancelled if you fail to make an election or if you do not make timely premium payments. Arrangements for payment must be made through the Employee Benefits Division at 410-396-5830.

	Continue Enrolled	Discontinue	Not
Medical Coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dental Coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prescription Coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vision Coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Optional Life Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accidental Death & Dismemberment (AD&D)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health Care Flexible Spending Account	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section VII: Employee Verification

I affirm that, to the best of my knowledge, this document contains no false or misleading statements. I authorize the City to contact the appropriate military command to verify the content of this form or to request additional information that may be needed to administer leave and benefits in accordance with City policy (AM-204-11).

Employee Signature

Date

m ***Military Leave Testing Procedures***

Fire and Police Department employees who expect to be on military leave during a ranked promotional examination may, before departing for leave, make arrangements to sit for a makeup exam upon their return. Arrangements should be made in advance of leave by contacting the Test Administrator, Department of Human Resources. The Test Administrator will require the candidate to provide the following:

1. A copy of the military orders with a projected return date;
2. A written statement from the employee's military command stating that military service is *required* on the date of the exam and cannot be rescheduled to avoid the conflict; and
3. A signed *Pledge Form*, which precludes the candidate from discussing the exam (or its content) with anyone who takes the exam on the original test date.

Test candidates must provide the Test Administrator with copies of any updated or changed military orders. If subsequent orders eliminate the scheduling conflict, the candidate must sit for the exam on the day it is scheduled and a makeup exam will not be administered.

Eligible candidates may take a makeup examination only upon return to City employment. Exams will *not* be administered to candidates off-site. Candidates returning from military leave will be permitted to take a reasonable amount of time to adjust to reemployment before sitting for the exam.

It is the candidate's responsibility to contact the Test Administrator to schedule the makeup exam, which will be a comparable, alternate form of the original test. The exam will be administered under controlled, monitored conditions by Department of Human Resources staff. Once the makeup exam has been taken and scored, the candidate will be placed on the current list by the ranking that would have been achieved had the candidate taken the test at the time it was originally scheduled.

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AM-204-11-3

m Acknowledgement of Military Leave

DATE]

[EMPLOYEE NAME]

[ADDRESS]

[ADDRESS]

Dear [EMPLOYEE NAME]:

This confirms your request for a military leave of absence beginning [DATE]. If you have not already done so, please complete the attached *Military Leave of Absence Form (AM-204-11-1)* to indicate your preferences concerning paid leave and benefits and to designate a contact person who can receive mail (and act on your behalf) while you are away. Please complete this form as quickly as possible *before you depart for leave*.

Based on the information we have on file, you may be eligible for the following:

[INCLUDE ALL THAT APPLY]

- Paid military leave for up to fifteen days for inactive duty training. Our records show that you have ____ paid training day(s) left in this fiscal year.
- Paid military leave for state active duty service that is ordered by the Governor of Maryland, in accordance with MD. CODE ANN., Public Safety § 13-706.
- Unpaid military leave once your paid leave elections have been exhausted.

Eligibility for paid leave and/or benefits must be confirmed with your prompt submission of military orders.

You are also permitted (but not required) to use your own accrued personal, vacation, and compensatory leave during your absence. Sick leave may not be used. Accrued leave days will be applied consecutively at the start of the leave period.

If military service is expected to last 30 days or less, your City benefits will continue automatically unless you cancel the coverage. If you wish to continue your City benefits during a longer period of leave, you must elect to continue your coverage on the *Military Leave of Absence Form*. If you fail to make an election, your benefits will be cancelled during leave. Please note that if you decide not to participate in your City health plan during leave, coverage for your dependents will also terminate.

For your convenience, I have attached the following informational materials concerning military

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AM-204-11-3

m ***Acknowledgement of Military Leave***

leave:

Military Leave Policy (AM-204-11)

Employee Checklist for Military Deployment (AM-204-11-4)

Continuation of Benefits Fact Sheet (AM-204-11-5)

Military Leave Testing Procedures (AM-204-11-2) [Optional]

Please pay particular attention to the *Employee Checklist*, which outlines some additional steps you should consider taking before you depart.

When you have completed your military service, you should return to City-employment within the time limits mandated by USERRA, which are discussed in Section 9 of the *Military Leave Policy*. Failure to return to work in a timely manner will be considered a resignation from City employment. You are responsible for keeping us informed of any changes to your military orders while on leave, including changes to your release date.

If you have any questions regarding your military leave of absence or require assistance, please do not hesitate to contact [NAME OF HR CONTACT] at [PHONE NUMBER].

Sincerely,

[HR REPRESENTATIVE]

cc: [NAME OF SUPERVISOR]
Employee Benefits Division
[EMPLOYEE RETIREMENT SYSTEM]
[FIRE & POLICE EMPLOYEES' RETIREMENT SYSTEM]
[ELECTED OFFICIALS' RETIREMENT SYSTEM]

m **Employee Checklist for Military Deployment**

Keep your agency informed – If you are a member of a Guard or Reserve unit, give your supervisor a copy of your annual training schedule as soon as it becomes available. Providing maximum lead time will help your agency accommodate your military activities.

- Give plenty of notice – As soon as you have notice of a deployment or other military service obligation, notify your supervisor and provide a copy of your orders. Defense Department regulations strongly recommend that service members provide *at least 30 days advance written notice* whenever it is feasible to do so. The failure to provide advance notice may jeopardize your eligibility for reemployment.
- Complete a Military Leave of Absence Form – Before you depart for leave, complete a *Military Leave of Absence Form (AM-201-11-1)* and return it to your HR department. The information you provide on the form will help us stay in touch with you while you are on leave. It will also help us administer paid leave and other benefits. If your military obligation is expected to last more than 30 days and you wish to continue your City benefits, *you must make an election on this form*. If you fail to do so, your benefits will be cancelled until you return to City employment.
- Notify your retirement plan – Let your retirement plan know that you will be taking a leave of absence for military service. Representatives of the plan will advise you on what you need to do to ensure that time spent in military service is counted for pension vesting and accrual purposes. In the case of Fire & Police Employees’ Retirement System (F&P) members, the plan must be notified so that your mandatory contributions to the plan can be suspended.
- Update beneficiary information – Before you leave for active duty military service, contact your retirement and life insurance plans to update your beneficiary designations.

Employee Retirement System	443-984-3200
Fire and Police Employees’ Retirement System	410-497-7929 (Option 3)
Elected Officials’ Retirement System	443-984-3200
Employee Benefits Division	410-396-5830
Deferred Compensation	877-223-2748

- Payroll Deductions – The City will continue to process payroll deductions – including wage garnishments, child support payments, and deductions taken for voluntary insurances and the Municipal Employees Credit Union (MECU) – for as long as you remain in pay status and have sufficient funds cover the payments. If you fall out of pay status during military leave,

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AM-204-11-4

m ***Employee Checklist for Military Deployment***

the City will suspend any deductions. If some or all of your leave will be unpaid, you should make other arrangements payment before you go.

- Fire and Police Promotional Examinations – Fire and Police personnel who will not be available to sit for a ranked promotional exam due to military service should review the *Military Leave Testing Procedures (AM-201-11-2)* and contact the Test Administrator. You will be allowed to sit for a makeup exam when you return to City employment, provided you complete the necessary paperwork. The Test Administrator can be reached at 410-396-3857.

- Keep contact information up-to-date – Keep us advised of your correct permanent and mailing address(es) during leave. Changes in your permanent address may affect your eligibility for certain health plans. In addition, we need a correct mailing address to keep you (or your designated contact) informed of matters related to your employment, including benefits.

- Report extensions of orders – Notify your supervisor of any changes to your military orders, including extensions. It is your responsibility to keep us informed of any changes to your expected release date.

m Continuation of Benefits While on Military Leave

If you are taking leave for military service, you should understand what happens to your benefits while you are away. Take a minute to read the information below to understand your benefit options. If you have further questions, you may contact your HR representative for assistance or refer to the appropriate benefit administrator. Please note that all benefit offerings are subject to change from time to time, and the City reserves the right to make changes with or without notice.

Health Insurance

While on military leave, you may continue your City health benefits (including medical, dental, vision, and prescription drug coverage) at the same elections you have now. The City will continue to contribute toward the cost of your coverage for as long as you remain in pay status and for shorter periods of military service (30 days or less).

If your service obligation is expected to last more than 30 days, you are eligible for coverage under TRICARE (<http://www.tricare.mil/>). You may also continue participation in your City health plan at full cost (without the City contributing toward the premiums) for a maximum of 24 months under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Your USERRA right to continued health coverage is very similar to your right to 18 months of continued coverage under COBRA and will run concurrently with your COBRA rights.

If you decide to cancel your City health benefits during leave, you will be able to reenroll in the same plans you had before when you return to work – with no waiting periods or pre-existing condition exclusions, except for service-connected conditions under certain plans.

Flexible Spending Accounts

You have the option of either suspending or continuing your Healthcare Flexible Spending Account (Healthcare FSA) contributions during military leave. If you decide to suspend contributions, your account will be reinstated when you return to work, provided you return within the same plan year. If you return during a different plan year, you will have 60 days from the date of your return to reenroll. You will have until the end of the plan year run-out period to submit requests for reimbursement. Claims incurred after the date you terminate your Healthcare FSA will not be eligible for reimbursement.

If you decide to continue your Healthcare FSA, contributions to your account will be taken via normal payroll deduction for as long as you remain in pay status. If you enter non-pay status, you will have to make after-tax contributions to your Healthcare FSA in order to remain enrolled. The amount of your contribution may be changed only if you experience a Qualified Life Event. Direct billing for after-tax contributions must be arranged through the Employee Benefits Division.

m ***Continuation of Benefits While on Military Leave***

Qualified reservists who are called to active duty for 180 days or more have the additional option of requesting a taxable distribution of any unused funds. You might consider doing this, for example, if you do not think you will have enough eligible expenses to deplete the balance in your account. Rather than forfeit those funds, you can have the balance returned to you.

Employees on extended, unpaid leaves (including unpaid military leave) may not continue participation in a Dependent Care FSA, but may withdraw their account balance as taxable income.

Life Insurance and AD&D

You may elect to continue your group life insurance coverage during military leave. Under the Optional Life plan, benefits are payable in the event of death resulting from military service. The City's Accidental Death and Dismemberment (AD&D) plan, however, will not pay for death or loss resulting from war or acts of war or from a substantial armed conflict.

If you decide to discontinue your enrollment in one or both of these plans, you will be able to re-enroll for the amount of coverage you had before as long, as you do so within 60 days of your return to active employment. Evidence of insurability will not be required if you apply within this timeframe.

Pension Plans

You will receive service credit for vesting and eligibility purposes for periods of qualified military leave. For members of the Employee Retirement System (ERS) and Elected Officials' Retirement System (EOS), credited service will continue during military leave, provided you qualify for reemployment, return to active City employment within one year of discharge from the military, and provide all required documentation.

If you are a member of the Fire & Police Employees' Retirement System (F&P), you will receive service credit for military leave, with the City making all mandatory employee contributions to the plan during your leave ("military service contributions"), provided you qualify for reemployment, return to work within one year of discharge, and provide all required documentation. Military service contributions are awarded *only* upon retirement from City employment. Employees who separate for other reasons will not receive the benefit of military service contributions.

Under all three plans, a member who dies while performing military service will be treated as if actively employed for the purpose of awarding death benefits. Beneficiaries will be eligible to

m ***Continuation of Benefits While on Military Leave***

receive non-line-of-duty benefits, excluding accruals for time spent in military service.

Deferred Compensation

Contributions to the City’s Deferred Compensation Plan cease during military leave once you are no longer in pay status, although you will be able to resume contributions when you return to work. In addition, you will be permitted to make “catch-up” contributions for a period of up to three times the length of your military leave (not to exceed five years).

If you have been called to active duty for more than 179 days, you are eligible to withdraw your contributions from your account without the 10% early withdrawal tax. Upon your return from active duty, you may redeposit any funds that you withdrew, to an IRA, for up to 2 years from the end of active service.

Before You Go...

If you plan to continue your City health benefits and/or life insurance during longer periods of military leave (more than 30 days), you must indicate your benefit elections on a *Military Leave of Absence Form (AM-201-11-1)* and promptly return the form to your HR representative. If you fail to make an election, *your benefits will be terminated.*

Benefit coverage will continue for as long as you make timely premium payments either through payroll deduction (for periods of paid leave) or direct billing (during unpaid leaves). Questions about health and life insurance benefits should be directed to the Employee Benefits Division at 410-396-5830.

Before you depart, you should also notify your retirement plan and update your beneficiary designations. A plan representative will also advise you on the steps you need to take to ensure that the time you spend performing military service is counted for vesting and accrual purposes.

- Employee Retirement System.....443-984-3200
- Fire and Police Employees’ Retirement System.....410-497-7929 (Option 3)
- Elected Officials’ Retirement System.....443-984-3200

Agency HR Checklist

- Acknowledge the Leave Request – Within 24 hours of receiving notice that an employee will be taking military leave, send the employee an *Acknowledgement of Military Leave (AM-204-11-3)* and attach copies of the following:

Military Leave Policy (AM-204-11)

Military Leave of Absence Form (AM-204-11-1)

Employee Checklist for Military Deployment (AM-204-11-4)

Continuation of Benefits While on Military Leave Fact Sheet (AM-204-11-5)

Military Leave Testing Procedures (AM-204-11-2) [Optional]

These documents, and fillable forms and letters, are available electronically in the “HR Tools” section of the Department of Human Resources’ intranet site.

- Follow-up with the Employee – Encourage employees to return the *Military Leave of Absence Form* as soon as possible, preferably before they depart for leave. Offer the employee reminders as necessary. In the case of a short-notice deployment, work with the employee (or a designated contact or proxy) to gather the information requested on the form.
- Determine Eligibility for Paid Leave and Benefits – Review the employee’s military orders to verify the employee’s eligibility for paid leave and City-subsidized health benefits.
 - Inactive Duty Training. Confirm that the leave will be used for inactive duty training and drilling. Use E-Time to determine how many paid training days the employee already used during the fiscal year and authorize use of the remaining balance (up to 15 days).
 - State Active Duty Service. Paid leave for “state active duty service” should be authorized only when a member of the Maryland militia (*e.g.* the Maryland National Guard, the Maryland Air National Guard, the Inactive National Guard, or the Maryland Defense force) is ordered to active duty service *by the Governor of Maryland*. Such orders are relatively rare and typically stem from a natural disaster or other public crisis within the state. An order issued “with the consent of the Governor” is not a state active duty order.

If the employee’s eligibility for paid leave and/or benefits it is not clear from the face of the orders, the agency should contact the employee’s military command to request clarification. Ultimately, it is the employee’s responsibility to ensure the agency receives adequate documentation to verify eligibility.

Agency HR Checklist

All paid leave requests must be approved by the Department of Human Resources.

- Notify the Employee’s Retirement Plan – Send a copy of the employee’s *Acknowledgment of Military Leave* letter to the employee’s retirement plan (e.g. Employee Retirement System (ERS), Fire and Police Employees’ Retirement System (F&P), or the Elected Officials’ Retirement System (EOS)). Notification is necessary to ensure that time spent in the military is counted for pension vesting and accrual purposes. In the case of Fire & Police Employees’ Retirement System (F&P) members, the employee’s mandatory contributions to the plan must be suspended during leave, as is required under the plan.

- Notify the Employee Benefits Division – As soon as the employee returns the *Military Leave of Absence Form*, forward a copy to the Employee Benefits Division, Department of Human Resources so that the employee’s benefit elections can be processed.

- Provide an HR Contact – The agency’s HR department should assign the employee an HR point-of-contact so that the employee and/or a family member can call with questions during the leave.

- Secure City Property and Resources – Before an employee departs for a longer period of military service (such as an active duty deployment), collect all City property in the employee’s possession, including: vehicles, keys, access cards, credit cards, pagers, cell phones, radios, laptops, cameras, parking passes, fuel cards, City Driver Permits, uniforms, tools, equipment, and City files and records.

Retrieve any City funds held by the employee, such as petty cash, and change security codes as necessary. Agencies should also disable the employee’s access to City e-mail accounts by logging on to <https://cob/moit/acct/>.

- Processing Leave in HRIS and E-Time – As soon as the employee departs for military leave, change the department locator to “MIL.” Timekeepers will track the employee in E-Time using the following pay codes:

- Military – Accrued Vacation
- Military – Accrued Personal
- Military – Accrued Comp Time
- Military – Paid Training
- Military – Paid State Active Duty

Agency HR Checklist

Military – Unpaid Leave

The first three codes should be used while the employee uses accrued vacation, personal or compensatory leave. The “Military – Paid Training” code should be used when an employee is on military leave for training. The “Military – Paid State Active Duty” code should be used on the relatively rare occasion when an employee has been called to active duty service by the Governor of Maryland.

When all paid and/or accrued leave elections have been exhausted, timekeepers should use the “Military – Unpaid Leave” code.

UPON RETURN FROM MILITARY LEAVE

- Verify Military Service – When an employee returns from a military leave of absence of longer than 30 days, ask the employee to provide documentation to establish that: 1) the reemployment application is timely; 2) the employee has not exceeded the five-year limit on the duration of service; and 3) the employee’s separation from service was not disqualifying.

Do not delay reemployment while awaiting verification. Temporarily reinstate the employee until documentation is received. If documentation is not forthcoming, contact the employee’s military unit for assistance.

- Determine Eligibility for Reemployment – The employee must be eligible for reemployment under Section 9 of the *Military Leave Policy*, which requires the following:
 - The employee gave advance notice of the need to take military leave, absent extenuating circumstances;
 - The employee’s cumulative years of military service does not exceed five years, subject to the exceptions outlined in the USERRA regulations at 20 C.F.R. §1002.103;
 - The employee did not separate from the military with a dishonorable or bad conduct discharge, by court martial, or under “other than honorable conditions”; and
 - The employee reported back to work or applied for reemployment within the appropriate time constraints:

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AM-204-11-6

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Agency HR Checklist

- Military leave less than 30 days (including fitness-for-service exams) – No later than the first regularly scheduled workday that starts at least 8 hours after the person’s return home from military service.
 - Military leave between 31 and 180 days – No later than 14 calendar days after completing military service.
 - Military leave greater than 180 days – No later than 90 calendar days following the completion of military service.
 - Following a Service-Connected Injury – No later than two years following completion of service.
- Notification of Reemployment – Once the employee has been restored to City employment, complete a *Reemployment Notification Form (AM-201-11-6)* and forward it to:
- Employee Benefits Division
 - Central Payroll Division
 - The employee’s retirement plan (ERS/F&P/EOS)

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AM-204-11-7

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Reemployment Notification Form

Section I: Employee Information

Employee's Full Name

Date of Birth

Agency/Bureau/Division

Job Title

Street Address

Phone

City, State, ZIP Code

Section II: Service Information

Date Military Service Began

Return to Work Date

Branch of Service

Discharge Papers (Attach)

Section III: Notification

A copy of this form will be forwarded to the following:

Employee Benefits Division
System (F&P)

Fire & Police Employees' Retirement

Central Payroll
(EOS)

Elected Officials' Retirement System

Employee Retirement System (ERS)

Agency Human Resources Director

Date

m ***Military Leave Testing Procedures***

Fire and Police Department employees who expect to be on military leave during a ranked promotional examination may, before departing for leave, make arrangements to sit for a makeup exam upon their return. Arrangements should be made in advance of leave by contacting the Test Administrator, Department of Human Resources. The Test Administrator will require the candidate to provide the following:

1. A copy of the military orders with a projected return date;
2. A written statement from the employee's military command stating that military service is *required* on the date of the exam and cannot be rescheduled to avoid the conflict; and
3. A signed *Pledge Form*, which precludes the candidate from discussing the exam (or its content) with anyone who takes the exam on the original test date.

Test candidates must provide the Test Administrator with copies of any updated or changed military orders. If subsequent orders eliminate the scheduling conflict, the candidate must sit for the exam on the day it is scheduled and a makeup exam will not be administered.

Eligible candidates may take a makeup examination only upon return to City employment. Exams will *not* be administered to candidates off-site. Candidates returning from military leave will be permitted to take a reasonable amount of time to adjust to reemployment before sitting for the exam.

It is the candidate's responsibility to contact the Test Administrator to schedule the makeup exam, which will be a comparable, alternate form of the original test. The exam will be administered under controlled, monitored conditions by Department of Human Resources staff. Once the makeup exam has been taken and scored, the candidate will be placed on the current list by the ranking that would have been achieved had the candidate taken the test at the time it was originally scheduled.

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AM-204-11-3

m Acknowledgement of Military Leave

DATE]

[EMPLOYEE NAME]

[ADDRESS]

[ADDRESS]

Dear [EMPLOYEE NAME]:

This confirms your request for a military leave of absence beginning [DATE]. If you have not already done so, please complete the attached *Military Leave of Absence Form (AM-204-11-1)* to indicate your preferences concerning paid leave and benefits and to designate a contact person who can receive mail (and act on your behalf) while you are away. Please complete this form as quickly as possible *before you depart for leave*.

Based on the information we have on file, you may be eligible for the following:

[INCLUDE ALL THAT APPLY]

- Paid military leave for up to fifteen days for inactive duty training. Our records show that you have ____ paid training day(s) left in this fiscal year.
- Paid military leave for state active duty service that is ordered by the Governor of Maryland, in accordance with MD. CODE ANN., Public Safety § 13-706.
- Unpaid military leave once your paid leave elections have been exhausted.

Eligibility for paid leave and/or benefits must be confirmed with your prompt submission of military orders.

You are also permitted (but not required) to use your own accrued personal, vacation, and compensatory leave during your absence. Sick leave may not be used. Accrued leave days will be applied consecutively at the start of the leave period.

If military service is expected to last 30 days or less, your City benefits will continue automatically unless you cancel the coverage. If you wish to continue your City benefits during a longer period of leave, you must elect to continue your coverage on the *Military Leave of Absence Form*. If you fail to make an election, your benefits will be cancelled during leave. Please note that if you decide not to participate in your City health plan during leave, coverage for your dependents will also terminate.

For your convenience, I have attached the following informational materials concerning military

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AM-204-11-3

m Acknowledgement of Military Leave

leave:

Military Leave Policy (AM-204-11)

Employee Checklist for Military Deployment (AM-204-11-4)

Continuation of Benefits Fact Sheet (AM-204-11-5)

Military Leave Testing Procedures (AM-204-11-2) [Optional]

Please pay particular attention to the *Employee Checklist*, which outlines some additional steps you should consider taking before you depart.

When you have completed your military service, you should return to City-employment within the time limits mandated by USERRA, which are discussed in Section 9 of the *Military Leave Policy*. Failure to return to work in a timely manner will be considered a resignation from City employment. You are responsible for keeping us informed of any changes to your military orders while on leave, including changes to your release date.

If you have any questions regarding your military leave of absence or require assistance, please do not hesitate to contact [NAME OF HR CONTACT] at [PHONE NUMBER].

Sincerely,

[HR REPRESENTATIVE]

cc: [NAME OF SUPERVISOR]
Employee Benefits Division
[EMPLOYEE RETIREMENT SYSTEM]
[FIRE & POLICE EMPLOYEES' RETIREMENT SYSTEM]
[ELECTED OFFICIALS' RETIREMENT SYSTEM]

m Employee Checklist for Military Deployment

Keep your agency informed – If you are a member of a Guard or Reserve unit, give your supervisor a copy of your annual training schedule as soon as it becomes available. Providing maximum lead time will help your agency accommodate your military activities.

- Give plenty of notice – As soon as you have notice of a deployment or other military service obligation, notify your supervisor and provide a copy of your orders. Defense Department regulations strongly recommend that service members provide at least 30 days advance written notice whenever it is feasible to do so. The failure to provide advance notice may jeopardize your eligibility for reemployment.
Complete a Military Leave of Absence Form – Before you depart for leave, complete a Military Leave of Absence Form (AM-201-11-1) and return it to your HR department. The information you provide on the form will help us stay in touch with you while you are on leave. It will also help us administer paid leave and other benefits. If your military obligation is expected to last more than 30 days and you wish to continue your City benefits, you must make an election on this form. If you fail to do so, your benefits will be cancelled until you return to City employment.
Notify your retirement plan – Let your retirement plan know that you will be taking a leave of absence for military service. Representatives of the plan will advise you on what you need to do to ensure that time spent in military service is counted for pension vesting and accrual purposes. In the case of Fire & Police Employees' Retirement System (F&P) members, the plan must be notified so that your mandatory contributions to the plan can be suspended.
Update beneficiary information – Before you leave for active duty military service, contact your retirement and life insurance plans to update your beneficiary designations.

Employee Retirement System 443-984-3200
Fire and Police Employees' Retirement System 410-497-7929 (Option 3)
Elected Officials' Retirement System 443-984-3200
Employee Benefits Division 410-396-5830
Deferred Compensation 877-223-2748

- Payroll Deductions – The City will continue to process payroll deductions – including wage garnishments, child support payments, and deductions taken for voluntary insurances and the Municipal Employees Credit Union (MECU) – for as long as you remain in pay status and have sufficient funds cover the payments. If you fall out of pay status during military leave,

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AM-204-11-4

m ***Employee Checklist for Military Deployment***

the City will suspend any deductions. If some or all of your leave will be unpaid, you should make other arrangements payment before you go.

- Fire and Police Promotional Examinations – Fire and Police personnel who will not be available to sit for a ranked promotional exam due to military service should review the *Military Leave Testing Procedures (AM-201-11-2)* and contact the Test Administrator. You will be allowed to sit for a makeup exam when you return to City employment, provided you complete the necessary paperwork. The Test Administrator can be reached at 410-396-3857.

- Keep contact information up-to-date – Keep us advised of your correct permanent and mailing address(es) during leave. Changes in your permanent address may affect your eligibility for certain health plans. In addition, we need a correct mailing address to keep you (or your designated contact) informed of matters related to your employment, including benefits.

- Report extensions of orders – Notify your supervisor of any changes to your military orders, including extensions. It is your responsibility to keep us informed of any changes to your expected release date.

m Continuation of Benefits While on Military Leave

If you are taking leave for military service, you should understand what happens to your benefits while you are away. Take a minute to read the information below to understand your benefit options. If you have further questions, you may contact your HR representative for assistance or refer to the appropriate benefit administrator. Please note that all benefit offerings are subject to change from time to time, and the City reserves the right to make changes with or without notice.

Health Insurance

While on military leave, you may continue your City health benefits (including medical, dental, vision, and prescription drug coverage) at the same elections you have now. The City will continue to contribute toward the cost of your coverage for as long as you remain in pay status and for shorter periods of military service (30 days or less).

If your service obligation is expected to last more than 30 days, you are eligible for coverage under TRICARE (<http://www.tricare.mil/>). You may also continue participation in your City health plan at full cost (without the City contributing toward the premiums) for a maximum of 24 months under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Your USERRA right to continued health coverage is very similar to your right to 18 months of continued coverage under COBRA and will run concurrently with your COBRA rights.

If you decide to cancel your City health benefits during leave, you will be able to reenroll in the same plans you had before when you return to work – with no waiting periods or pre-existing condition exclusions, except for service-connected conditions under certain plans.

Flexible Spending Accounts

You have the option of either suspending or continuing your Healthcare Flexible Spending Account (Healthcare FSA) contributions during military leave. If you decide to suspend contributions, your account will be reinstated when you return to work, provided you return within the same plan year. If you return during a different plan year, you will have 60 days from the date of your return to reenroll. You will have until the end of the plan year run-out period to submit requests for reimbursement. Claims incurred after the date you terminate your Healthcare FSA will not be eligible for reimbursement.

If you decide to continue your Healthcare FSA, contributions to your account will be taken via normal payroll deduction for as long as you remain in pay status. If you enter non-pay status, you will have to make after-tax contributions to your Healthcare FSA in order to remain enrolled. The amount of your contribution may be changed only if you experience a Qualified Life Event. Direct billing for after-tax contributions must be arranged through the Employee Benefits Division.

m ***Continuation of Benefits While on Military Leave***

Qualified reservists who are called to active duty for 180 days or more have the additional option of requesting a taxable distribution of any unused funds. You might consider doing this, for example, if you do not think you will have enough eligible expenses to deplete the balance in your account. Rather than forfeit those funds, you can have the balance returned to you.

Employees on extended, unpaid leaves (including unpaid military leave) may not continue participation in a Dependent Care FSA, but may withdraw their account balance as taxable income.

Life Insurance and AD&D

You may elect to continue your group life insurance coverage during military leave. Under the Optional Life plan, benefits are payable in the event of death resulting from military service. The City’s Accidental Death and Dismemberment (AD&D) plan, however, will not pay for death or loss resulting from war or acts of war or from a substantial armed conflict.

If you decide to discontinue your enrollment in one or both of these plans, you will be able to re-enroll for the amount of coverage you had before as long, as you do so within 60 days of your return to active employment. Evidence of insurability will not be required if you apply within this timeframe.

Pension Plans

You will receive service credit for vesting and eligibility purposes for periods of qualified military leave. For members of the Employee Retirement System (ERS) and Elected Officials’ Retirement System (EOS), credited service will continue during military leave, provided you qualify for reemployment, return to active City employment within one year of discharge from the military, and provide all required documentation.

If you are a member of the Fire & Police Employees’ Retirement System (F&P), you will receive service credit for military leave, with the City making all mandatory employee contributions to the plan during your leave (“military service contributions”), provided you qualify for reemployment, return to work within one year of discharge, and provide all required documentation. Military service contributions are awarded *only* upon retirement from City employment. Employees who separate for other reasons will not receive the benefit of military service contributions.

Under all three plans, a member who dies while performing military service will be treated as if actively employed for the purpose of awarding death benefits. Beneficiaries will be eligible to

m ***Continuation of Benefits While on Military Leave***

receive non-line-of-duty benefits, excluding accruals for time spent in military service.

Deferred Compensation

Contributions to the City’s Deferred Compensation Plan cease during military leave once you are no longer in pay status, although you will be able to resume contributions when you return to work. In addition, you will be permitted to make “catch-up” contributions for a period of up to three times the length of your military leave (not to exceed five years).

If you have been called to active duty for more than 179 days, you are eligible to withdraw your contributions from your account without the 10% early withdrawal tax. Upon your return from active duty, you may redeposit any funds that you withdrew, to an IRA, for up to 2 years from the end of active service.

Before You Go...

If you plan to continue your City health benefits and/or life insurance during longer periods of military leave (more than 30 days), you must indicate your benefit elections on a *Military Leave of Absence Form (AM-201-11-1)* and promptly return the form to your HR representative. If you fail to make an election, *your benefits will be terminated.*

Benefit coverage will continue for as long as you make timely premium payments either through payroll deduction (for periods of paid leave) or direct billing (during unpaid leaves). Questions about health and life insurance benefits should be directed to the Employee Benefits Division at 410-396-5830.

Before you depart, you should also notify your retirement plan and update your beneficiary designations. A plan representative will also advise you on the steps you need to take to ensure that the time you spend performing military service is counted for vesting and accrual purposes.

- Employee Retirement System.....443-984-3200
- Fire and Police Employees’ Retirement System.....410-497-7929 (Option 3)
- Elected Officials’ Retirement System.....443-984-3200

Agency HR Checklist

- Acknowledge the Leave Request – Within 24 hours of receiving notice that an employee will be taking military leave, send the employee an *Acknowledgement of Military Leave (AM-204-11-3)* and attach copies of the following:

Military Leave Policy (AM-204-11)

Military Leave of Absence Form (AM-204-11-1)

Employee Checklist for Military Deployment (AM-204-11-4)

Continuation of Benefits While on Military Leave Fact Sheet (AM-204-11-5)

Military Leave Testing Procedures (AM-204-11-2) [Optional]

These documents, and fillable forms and letters, are available electronically in the “HR Tools” section of the Department of Human Resources’ intranet site.

- Follow-up with the Employee – Encourage employees to return the *Military Leave of Absence Form* as soon as possible, preferably before they depart for leave. Offer the employee reminders as necessary. In the case of a short-notice deployment, work with the employee (or a designated contact or proxy) to gather the information requested on the form.
- Determine Eligibility for Paid Leave and Benefits – Review the employee’s military orders to verify the employee’s eligibility for paid leave and City-subsidized health benefits.
 - Inactive Duty Training. Confirm that the leave will be used for inactive duty training and drilling. Use E-Time to determine how many paid training days the employee already used during the fiscal year and authorize use of the remaining balance (up to 15 days).
 - State Active Duty Service. Paid leave for “state active duty service” should be authorized only when a member of the Maryland militia (*e.g.* the Maryland National Guard, the Maryland Air National Guard, the Inactive National Guard, or the Maryland Defense force) is ordered to active duty service *by the Governor of Maryland*. Such orders are relatively rare and typically stem from a natural disaster or other public crisis within the state. An order issued “with the consent of the Governor” is not a state active duty order.

If the employee’s eligibility for paid leave and/or benefits it is not clear from the face of the orders, the agency should contact the employee’s military command to request clarification. Ultimately, it is the employee’s responsibility to ensure the agency receives adequate documentation to verify eligibility.

Agency HR Checklist

All paid leave requests must be approved by the Department of Human Resources.

- Notify the Employee’s Retirement Plan – Send a copy of the employee’s *Acknowledgment of Military Leave* letter to the employee’s retirement plan (e.g. Employee Retirement System (ERS), Fire and Police Employees’ Retirement System (F&P), or the Elected Officials’ Retirement System (EOS)). Notification is necessary to ensure that time spent in the military is counted for pension vesting and accrual purposes. In the case of Fire & Police Employees’ Retirement System (F&P) members, the employee’s mandatory contributions to the plan must be suspended during leave, as is required under the plan.
- Notify the Employee Benefits Division – As soon as the employee returns the *Military Leave of Absence Form*, forward a copy to the Employee Benefits Division, Department of Human Resources so that the employee’s benefit elections can be processed.
- Provide an HR Contact – The agency’s HR department should assign the employee an HR point-of-contact so that the employee and/or a family member can call with questions during the leave.
- Secure City Property and Resources – Before an employee departs for a longer period of military service (such as an active duty deployment), collect all City property in the employee’s possession, including: vehicles, keys, access cards, credit cards, pagers, cell phones, radios, laptops, cameras, parking passes, fuel cards, City Driver Permits, uniforms, tools, equipment, and City files and records.

Retrieve any City funds held by the employee, such as petty cash, and change security codes as necessary. Agencies should also disable the employee’s access to City e-mail accounts by logging on to <https://cob/moit/acct/>.

- Processing Leave in HRIS and E-Time – As soon as the employee departs for military leave, change the department locator to “MIL.” Timekeepers will track the employee in E-Time using the following pay codes:

- Military – Accrued Vacation
- Military – Accrued Personal
- Military – Accrued Comp Time
- Military – Paid Training
- Military – Paid State Active Duty

Agency HR Checklist

Military – Unpaid Leave

The first three codes should be used while the employee uses accrued vacation, personal or compensatory leave. The “Military – Paid Training” code should be used when an employee is on military leave for training. The “Military – Paid State Active Duty” code should be used on the relatively rare occasion when an employee has been called to active duty service by the Governor of Maryland.

When all paid and/or accrued leave elections have been exhausted, timekeepers should use the “Military – Unpaid Leave” code.

UPON RETURN FROM MILITARY LEAVE

- Verify Military Service – When an employee returns from a military leave of absence of longer than 30 days, ask the employee to provide documentation to establish that: 1) the reemployment application is timely; 2) the employee has not exceeded the five-year limit on the duration of service; and 3) the employee’s separation from service was not disqualifying.

Do not delay reemployment while awaiting verification. Temporarily reinstate the employee until documentation is received. If documentation is not forthcoming, contact the employee’s military unit for assistance.

- Determine Eligibility for Reemployment – The employee must be eligible for reemployment under Section 9 of the *Military Leave Policy*, which requires the following:
 - The employee gave advance notice of the need to take military leave, absent extenuating circumstances;
 - The employee’s cumulative years of military service does not exceed five years, subject to the exceptions outlined in the USERRA regulations at 20 C.F.R. §1002.103;
 - The employee did not separate from the military with a dishonorable or bad conduct discharge, by court martial, or under “other than honorable conditions”; and
 - The employee reported back to work or applied for reemployment within the appropriate time constraints:

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AM-204-11-6

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Agency HR Checklist

- Military leave less than 30 days (including fitness-for-service exams) – No later than the first regularly scheduled workday that starts at least 8 hours after the person’s return home from military service.
 - Military leave between 31 and 180 days – No later than 14 calendar days after completing military service.
 - Military leave greater than 180 days – No later than 90 calendar days following the completion of military service.
 - Following a Service-Connected Injury – No later than two years following completion of service.
- Notification of Reemployment – Once the employee has been restored to City employment, complete a *Reemployment Notification Form (AM-201-11-6)* and forward it to:
- Employee Benefits Division
 - Central Payroll Division
 - The employee’s retirement plan (ERS/F&P/EOS)

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AM-204-11-7

m **Reemployment Notification Form**

Section I: Employee Information

Employee's Full Name

Date of Birth

Agency/Bureau/Division

Job Title

Street Address

Phone

City, State, ZIP Code

Section II: Service Information

Date Military Service Began

Return to Work Date

Branch of Service

Discharge Papers (Attach)

Section III: Notification

A copy of this form will be forwarded to the following:

Employee Benefits Division
System (F&P)

Fire & Police Employees' Retirement

Central Payroll
(EOS)

Elected Officials' Retirement System

Employee Retirement System (ERS)

Agency Human Resources Director

Date

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AM-204-13

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Time-Off by Executive Order

SCOPE

This policy concerns those rules applicable to employees required to work when time-off has been granted by the Mayor in an appropriate Executive Order. Under FLSA guidelines, non-exempt employees shall have the ability to receive overtime compensation as a cash payment or as compensatory time subject to the accumulation cap of 240 hours. Eligible employees in the Police Department shall receive cash payment only. Exempt employees shall follow the City overtime policy. Depending on the requirements of current negotiated agreements, certain City employees may not be eligible to receive overtime rates of pay until 40 hours of work have been completed at straight time within a given week.

NON-EXEMPT EMPLOYEES

When time-off is granted by order of the Mayor, non-exempt employees required to work will receive their normal pay for the day plus overtime pay at the rate of one and one-half (1 ½) times their normal/straight rate of pay for each hour worked. If an employee works longer than the normal workday, they shall be paid double time for each hour worked in excess of their normal workday.

EXEMPT EMPLOYEES

When an employee is not entitled to overtime pay and he is required to work, he will receive his normal pay for the day plus compensatory time for each hour worked.

PAYROLL PROVISIONS

If an employee's regular day off falls on a day when executive time-off is declared, he will not be allowed additional time-off, additional pay or compensatory time.

An employee scheduled to be on leave when executive time-off is declared in advance of the fact, will not be charged leave for that day. However, if an employee is on leave on a day when early closing by Executive Order is declared, he shall be charged a full day of leave for the day.

RELATED POLICY

AM-204-22
AM-205-2

Inclement Weather
Overtime and Call Back Work

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AM-204-14

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Sick Leave

SCOPE

This policy concerns the eligibility, use and accrual rate for City sick leave benefits. A sick leave day can be earned and accrued by a permanent full-time or permanent part-time employee who has been in pay status at any time during the payroll period containing the employee's monthly anniversary date. Temporary employees to include provisional employees are not eligible to earn sick leave. Use of sick leave will be denied if it is found to be abused by the employee. Employees who abuse sick leave are subject to appropriate disciplinary action.

ACCRUAL RATE

Different accrual rates exist for eligible City employees.

- Full-Time Permanent Employees: 1 day of sick leave is accrued for each completed full month of active service.
- Part-Time Permanent Employees: 1 day of sick leave is accrued upon completion of 160 hours of active service.

There is no limit on the number of sick leave days that an eligible employee may accumulate.

LEAVE RETENTION

Accumulated sick leave may be retained by permanent full-time and permanent part-time employees who:

- Transfer from one agency or position to another agency or position in the classified service with no break in service;
- Are laid-off due to lack of work or funds and are subsequently rehired; or
- Are granted a leave of absence without pay in accordance with AM-208-1 and are subsequently reinstated within 10 days of the expiration of such leave.

USE

Accumulated sick leave days may be used by employees who are required to be absent from duty because of personal sickness whether physical or mental, injury, or prenatal or postnatal disability. An employee who is conscientiously seeking treatment for alcoholism or drug abuse shall receive the same consideration for the use of sick leave as an employee with another type of illness.

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AM-204-14

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Sick Leave

In accordance with the City's FAMILY AND MEDICAL LEAVE Policy (AM-203-2), the use of sick leave is appropriate for child care purposes only when the Division of Occupational Medicine,

Department of Personnel can certify that the employee's child has a highly contagious disease requiring quarantine, isolation, and restrictions.

Also in accordance with the Family and Medical Leave Policy (AM-203-2, dated 1/22/97), paid leave, including no more than five (5) accrued sick leave days may be used within a 12 month period for adoption and/or foster care placement.

Sick leave may be taken in increments of 45 minutes by eligible employees. However, the payroll markings for eligible employees will vary according to the designated representation code of the employee's position.

Employees must notify their supervisor as early as possible on the first day of illness preferably prior to the start of the work shift and at such intervals as specified by the supervisor until the employee is able to return to work. All use of sick leave is subject to verification, including periodic examination by Division of Occupational Medicine, Department of Personnel.

PAYROLL MARKINGS

Employees scheduled to work on a holiday and who call in sick will be charged sick leave on that day. Failure of the employee to call in sick will result in full loss of pay for the day. However, if an employee is already on sick leave when the holiday occurs, the employee will not be charged sick leave for the holiday.

A payroll marking of sick on a day of inclement weather, as defined in AM-204-22, will not be honored unless: (1) a medical certificate is presented; or (2) the illness is verified by the appropriate supervisor; or (3) the illness is continued for several days before and/or after the day of inclement weather.

PAYMENT/CONVERSION

Pay for sick days is based on the employee's regular rate of pay. Upon termination of employment, employees will, under certain conditions, be paid for a portion of unused accumulated sick leave in accordance with the City's policy on SEPARATION AND PAYMENT AT TERMINATION (AM-205-7).

RELATED LEAVE ACCUMULATION

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AM-204-14

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Sick Leave

While in sick leave status, an employee is considered to be in active pay status provided the individual has accumulated time to cover the period of incapacitation. The employee, therefore, continues to accumulate sick leave and other types of leave for which he/she is eligible.

EXTENDED SICK LEAVE

An employee who remains incapacitated for work after using all accumulated sick, vacation, compensatory, and personal leave may request extended sick leave with pay. The agency-designated officer/supervisor must be consulted to initiate such a request of the Department of Personnel.

RETURN TO WORK

Agency heads shall notify the Division of Occupational Medicine, Department of Personnel of any employee who has been on sick leave for more than 60 calendar days. The Division shall monitor the case and provide advice on the Americans with Disabilities Act requirements, reasonable accommodations and procedures for returning the employee to full-time work as quickly as possible.

Employees who have had an illness or injury which requires restricted duty upon returning to work must report to the Division of Occupational Medicine immediately upon return to work only if the period of absence and the period of restricted duty combined last for more than 21 work days. For example, if an employee is on sick leave for three weeks and is placed on restricted duty for an additional two weeks by the employee's personal physician, the employee must report to the City clinic immediately upon returning to work from sick leave. In such instances, the employee must present the appropriate medical certificate from the treating physician regarding the incapacitation and restriction.

PAY BACK PROVISION

City employees with at least three (3) years of service and who are unable to return to work after all of their accrued sick leave, vacation leave, personal leave and compensatory time have been exhausted may request extended leave with pay. If granted and upon return to work, certain City employees receiving this benefit are requested to reimburse the City for one-half of the extended sick leave days granted. This pay back provision shall be implemented after the affected employee has accumulated 10 sick leave days.

The employee must consult the Department of Personnel or the appropriate designated personnel officer in the agency of assignment for details regarding the required process to request such

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AM-204-14

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Sick Leave

leave, the formula used to calculate extended sick leave, the appeal procedures and the pay back provisions, if any.

Upon reemployment from a layoff, the employee will be credited with sick leave, which was not converted, to cash at the time of layoff in accordance with AM-205-9.

In the case of reinstatement from a voluntary resignation, the unpaid sick leave balance will be restored in accordance with AM-213-1. Sick leave for which he/she was paid at the time of separation may not be repurchased.

RELATED POLICIES

[AM-203-2](#) FAMILY AND MEDICAL LEAVE

AM-204-15 EXTENDED SICK LEAVE

[AM-204-22](#) INCLEMENT WEATHER

AM-205-7 SEPARATION AND PAYMENT AT TERMINATION

[AM-205-9](#) REHIRING IN A CIVIL SERVICE CLASS AFTER LAYOFF

AM-205-12 SICK LEAVE CONVERSION

AM-208-1 LEAVE OF ABSENCE WITHOUT PAY

[AM-213-1-1](#) REINSTATEMENT FOLLOWING SEPARATION FROM CITY SERVICE

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AM-204-15

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Extended Sick Leave

SCOPE

An employee who is unable to return to work due to a non-job related injury, personal illness or disability, may request extended sick leave with pay from his agency head. To be eligible for extended sick leave, an employee must have used all accumulated sick, vacation, compensatory, and personal leave. The Civil Service Commission is responsible for processing and reviewing requests of EXTENDED SICK LEAVE regardless of whether the employee serves in a Civil Service or non-Civil Service classification.

EXCEPTION

If the employee's absence is the result of an on-the-job injury, the employee must have used all the job-injury leave he has earned as well as his accumulated sick leave in order to be eligible for extended sick leave. He does not have to use his accumulated vacation, compensatory time or personal leave.

AGENCY HEAD ROLE

If the agency head finds that the extension is warranted, he must submit an EXTENDED SICK LEAVE REQUEST (28-1608-5116) to the Civil Service Commission. This requirement applies to all agencies including those which are not under the jurisdiction of Civil Service.

CIVIL SERVICE ROLE

Civil Service will conduct an individual review of each case submitted and will either approve or disapprove the request based upon the following factors:

- Doctor's condition report;
- Past record of employee's use of sick leave;
- Seniority;
- Likelihood of return to duty;
- Disability retirement implications

MAXIMUM EXTENSION

Civil Service will not approve more than 1/2 the sum of an employee's year-end sick leave balance for the 2 or 3 calendar years immediately preceding the request, i.e. December 31, as determined by the negotiated agreement governing the employee's position classification.

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AM-204-15

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Extended Sick Leave

Example: An employee requests sick leave on August 10, 1988. His sick leave balance as of December 31, 1987, was 28 days, and as of December 31, 1988 was 40 days. Using the computation rule for prior 2 years:

28 days -- Sick leave balance as of 12-31-87.
+ 40 days -- Sick leave balance as of 12-31-88.

68 days -- Two year sum.

$1/2 \times 68 \text{ days} = 34 \text{ days maximum extended sick leave}$

Allowances will be made for employees with less than 2 years of completed service. However, an approved time extension cannot exceed the maximum limit of 1 day for each completed month of service.

EARNED LEAVE

During an employee's EXTENDED SICK LEAVE he continues to have leave balances print on his salary check stub, leave listings, etc.. However, any leave recorded during this period has not been earned by the employee. Therefore, the Central Payroll Division manually adjusts the leave balance to zero when the individual's approved EXTENDED SICK LEAVE entitlement expires.

PAY-BACK PROVISION

Depending on the negotiated agreement governing the employee's position classification, he may be required to pay-back all or a portion of extended sick leave time upon return to active duty and accumulation of sick leave days. This action is implemented by the Payroll Division when the affected employee's accumulation reaches 10 or more sick leave balance days. Consult your agency personnel officer or appropriate negotiated agreement regarding applicability of this provision.

HOLIDAY MARKING

If an employee is already on EXTENDED SICK LEAVE when a holiday occurs, EXTENDED SICK LEAVE will not be charged for the holiday.

RELATED POLICIES

AM-204-10 JOB INJURY LEAVE

m ***Requesting Extended Sick Leave***

RESPONSIBILITY

ACTION

EMPLOYEE

1. Inform agency head of need for extension of sick leave. Specify nature of illness. This extension request may be made orally, or in writing. (A relative or acquaintance of the employee may make the request if the employee is unable to do so.)

AGENCY HEAD

2. Review request and make initial agency evaluation:
 - a.) If disapproved, inform employee of decision and state reasons. Procedure ends here.
 - b.) If approved:
 - Complete Part I of a REQUEST FOR EXTENDED SICK LEAVE (28-1608-5116).
 - Retain "Agency Copy #1," and forward remainder of form to the employee's physician.

ATTENDING PHYSICIAN

3. Complete Part II of request form, and return all copies to the agency head.

AGENCY HEAD

4. Review doctor's report and make final agency evaluation of employee's request:
 - a.) If disapproved:
 - Complete Part III of form.
 - Retain original (top sheet) of form for files, and destroy all other copies.
 - Notify employee of decision, and explain reasons for disapproval.

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AM-204-15-1

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Requesting Extended Sick Leave

- Procedure ends here.
- b.) If approved:
 - Complete Part III of form.
 - Obtain 1 copy of the employee's attendance records or prepare 1 copy of a detailed report of the employee's sick leave usage. (This record or report must cover the past five 5 year period.)
 - Remove and file "Agency Copy #2." Send the remaining unseparated pages of the request (plus 1 copy of the employee's attendance record or sick leave usage report) to the Civil Service Commission.

**CIVIL SERVICE
COMMISSION**

5. Evaluate doctor's report and employee's request, and approve or disapprove request:
 - a.) If disapproved:
 - Complete Part IV of form.
 - Retain "Civil Service Commission Copy" for files, destroy "Payroll Copy", and forward "Agency Copy #3" to the requesting agency.
 - b.) If approved:
 - Complete Part IV of form.
 - Retain "Civil Service Commission Copy" for files, return "Agency Copy #3" to the requesting agency and forward "Payroll Copy" to Central Payroll Division, Bureau of Accounting Operations.

CENTRAL PAYROLL

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AM-204-15-1

m ***Requesting Extended Sick Leave***

DIVISION

6. Note dates approved for records, and retain copy in file.

AGENCY HEAD

7. a.) If extension is disapproved, notify employee of this action, and file “Agency Copy #3”. Procedure ends here.

b.) If extension is approved, notify employee of this action, file the “Agency Copy #3”, and notify the agency’s payroll clerk to mark sick leave code on attendance sheets for the period approved by Civil Service.



**Administrative
Manual
POLICY**

SECTION

Personnel

SUBJECT

ATTENDANCE RECORD

Scope

All agencies are required to keep a detailed record of each employee's attendance on an ATTENDANCE RECORD (28-1408-5151) [AM-204-17-1].

Purpose

The purpose of this record is to: (1) serve as a document for the recording of each employee's attendance during a calendar year; and (2) supply supervisors with the necessary information regarding their employees' attendance.

Employees Involved

An ATTENDANCE RECORD must be prepared and retained for each City employee.

Other Attendance Report

An agency's PAYROLL ATTENDANCE REPORT (147-019) [AM-204-16-1] must be prepared in addition to an ATTENDANCE RECORD.

m ***Equal Employment Opportunity***

As part of our ongoing commitment to equal employment opportunity, the City of Baltimore adopts the following policy and procedures to ensure compliance with local, state, and federal laws prohibiting discrimination in employment. The concepts of equal opportunity and fair treatment are core values of Baltimore City government, and City Agencies constantly strive to promote a professional work environment that is free from unlawful discrimination and harassment.

This policy applies to all City employees, including full and part-time, probationary, seasonal, temporary, at-will, as well as elected officials and their appointed staff. Additionally, independent contractors, vendors, volunteers and visitors must refrain from engaging in behavior that violates this policy.

1. COMMITMENT TO INCLUSION AND NON-DISCRIMINATION

The City of Baltimore understands that the success of every City Agency depends on the ability to attract and retain the best available talent and to help those individuals reach their fullest potential. Accordingly, the City remains firmly committed to equal employment opportunity for all employees and job applicants and to developing a highly talented and diverse workforce that can deliver the best possible services to the citizens of Baltimore.

City Agencies will base all employment decisions individual merit, qualifications, experience and skills, without regard to such factors as race, color, age, national origin, ancestry, marital status, sexual orientation, gender, religion, veteran status, physical or mental disability, genetic information, gender identity or expression or any other status protected by law. They will ensure equal opportunity in all aspects of employment, including recruitment, hiring, termination, discipline, transfers, training and career development, work assignments, promotions and demotions, compensation, benefit administration and all other terms and conditions of employment. All forms of unlawful discrimination are strictly prohibited.

Through the implementation of this policy, the City aims to create a diverse and inclusive workplace in which all employees feel they belong and can make meaningful contributions to City government. By fostering a level playing field for all employees, the City enhances the progress of individuals and the community they serve.

2. PROHIBITION AGAINST HARASSMENT AND SEXUAL HARASSMENT

All employees have a right to work in an environment free from the demoralizing effects of unlawful harassment. For this reason, harassment based on race, color, age, national origin,

m ***Equal Employment Opportunity***

ancestry, marital status, sexual orientation, gender, religion, veteran status, physical or mental disability, genetic information, gender identity or expression or any other status protected by law will not be tolerated.

Inappropriate harassing behavior may include, but is not limited to, verbal abuse, slurs and negative stereotyping, offensive jokes and comments, threatening or intimidating behavior, the display or circulation of offensive objects and materials (including offensive graffiti, photographs, cartoons, texts and emails) and any other behavior meant to mistreat someone because of his or her race, color, religion, ethnicity, national origin, gender, marital status, age, disability, sexual orientation, gender identity or expression or veterans status.

This policy also prohibits sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually suggestive or offensive language or other sexual conduct that unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment. Examples of sexual harassment includes, but are not limited to: a) repeated and unwelcome sexual advances or requests for sexual favors; b) offensive comments, jokes and innuendo; c) sexually graphic or degrading comments about appearance; d) sexually offensive gestures, whistling and leering; e) offensive physical contact (such as patting, grabbing, pinching or brushing up against someone); and f) displaying or circulating sexually suggestive objects and materials (including inappropriate photographs, cartoons, posters, texts and emails).

Under no circumstances may a supervisor or manager: 1) offer or provide an employment benefit in exchange for sexual favors; or 2) take (or threaten to take) an adverse employment action because someone refused to perform a sexual favor.

Employees are expected to conduct themselves in a professional manner at all times while they are working, whether on or off City property or outside regular work hours. The policy also applies during work-related business and social events.

3. CONSEQUENCES FOR VIOLATIONS

The City’s policy is one of zero-tolerance for discrimination and harassment. Accordingly, any employee found in violation of this policy will be subject to disciplinary action, up to and including discharge from employment.

In addition, any vendor, contractor, volunteer or visitor who engages in behavior prohibited by this policy will be so advised and asked to immediately cease the offending behavior. If

m ***Equal Employment Opportunity***

compliance is not forthcoming, the City may terminate its relationship with the individual and/or remove the person from City property.

4. REPORTING AND COMPLAINT PROCEDURES

Everyone in City government has a shared responsibility for creating and maintaining a workplace that is free of discrimination and harassment. To that end, all employees are responsible for conducting themselves professionally and for reporting violations of this policy. Supervisors at all levels are responsible for ensuring full compliance with this policy in their respective work areas. Any supervisor who has knowledge of discriminatory or harassing behavior and fails to correct and/or report it will be subject to disciplinary action, up to and including discharge from employment.

Concerns about discrimination or harassment should be brought to the attention of a supervisor or manager, an HR Representative or an Equal Opportunity Compliance (EOC) Officer assigned to the agency. Where a complaint is first received by a supervisor, the supervisor shall promptly refer the matter to an HR Representative or an EOC Officer.

The City encourages prompt reporting so that potential problems can be addressed before a situation escalates. To facilitate prompt reporting, individuals may bring a complaint either orally or in writing.

Agencies shall investigate concerns about harassment and discrimination and take prompt and effective corrective action where appropriate. Individuals asked to participate in the investigation of a complaint, including the complainant, will be expected to give their full cooperation until the matter has been resolved.

5. NO RETALIATION

This policy strictly prohibits retaliation against any individual for having: 1) made a complaint of discrimination or harassment; 2) opposed discrimination or harassment at work; or 3) participated in a complaint investigation. Anyone found to have engaged in retaliation in violation of this policy will be subject to disciplinary action, up to and including discharge from employment. In the case of a non-employee found to have engaged in retaliation, the City may direct the individual to cease the retaliatory behavior, terminate its relationship with the individual and/or remove him or her from City property.

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AM 204-18

m ***Equal Employment Opportunity***

Concerns about retaliation should be immediately reported to a supervisor, an agency HR Representative or an EOC Officer. Agencies shall promptly investigate such concerns and take appropriate corrective action when necessary.

m ***Equal Employment Opportunity***

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m ***Equal Employment Opportunity***

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In addition, any vendor, contractor, volunteer or visitor who engages in behavior prohibited by this policy will be so advised and asked to immediately cease the offending behavior. If

m ***Equal Employment Opportunity***

compliance is not forthcoming, the City may terminate its relationship with the individual and/or remove the person from City property.

4. REPORTING AND COMPLAINT PROCEDURES

Everyone in City government has a shared responsibility for creating and maintaining a workplace that is free of discrimination and harassment. To that end, all employees are responsible for conducting themselves professionally and for reporting violations of this policy. Supervisors at all levels are responsible for ensuring full compliance with this policy in their respective work areas. Any supervisor who has knowledge of discriminatory or harassing behavior and fails to correct and/or report it will be subject to disciplinary action, up to and including discharge from employment.

Concerns about discrimination or harassment should be brought to the attention of a supervisor or manager, an HR Representative or an Equal Opportunity Compliance (EOC) Officer assigned to the agency. Where a complaint is first received by a supervisor, the supervisor shall promptly refer the matter to an HR Representative or an EOC Officer.

The City encourages prompt reporting so that potential problems can be addressed before a situation escalates. To facilitate prompt reporting, individuals may bring a complaint either orally or in writing.

Agencies shall investigate concerns about harassment and discrimination and take prompt and effective corrective action where appropriate. Individuals asked to participate in the investigation of a complaint, including the complainant, will be expected to give their full cooperation until the matter has been resolved.

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This policy strictly prohibits retaliation against any individual for having: 1) made a complaint of discrimination or harassment; 2) opposed discrimination or harassment at work; or 3) participated in a complaint investigation. Anyone found to have engaged in retaliation in violation of this policy will be subject to disciplinary action, up to and including discharge from employment. In the case of a non-employee found to have engaged in retaliation, the City may direct the individual to cease the retaliatory behavior, terminate its relationship with the individual and/or remove him or her from City property.

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AM 204-18

m *Equal Employment Opportunity*

Concerns about retaliation should be immediately reported to a supervisor, an agency HR Representative or an EOC Officer. Agencies shall promptly investigate such concerns and take appropriate corrective action when necessary.

3rd Party Settlement

SCOPE

A third party settlement occurs when a party, other than the City, is either found responsible for an employee's on-the-job or off-the-job injury or a settlement is reached for the injury sustained.

APPROVAL PROCESS

If an employee intends to file a claim, bring suit, or accept settlement for damages related to an on-the-job or off-the-job injury caused by a third party, the employee must submit a memo detailing such intent to his/her agency head.

The agency head must immediately forward such notification for:

1. Non-occupational/non-line of duty injuries to:

*Department of Law
Division of Collections
100 N. Holliday St., Room 82*

2. Occupational/line of duty injuries to:

*Department of Law
Worker's Compensation liaison attorney
100 N. Holliday St., Room 81*

REIMBURSEMENT REQUIREMENTS

If the employee receives a settlement from a third party or the third party's insurer for damages related to an injury, or if the employee receives a payment pursuant to a judgment or award in favor of the employee, the employee is required to reimburse the City in full for any expenses advanced by the City. These expenses normally include, but are not limited to:

1. Wages paid, which include employee's use of:

- Job injury leave
- Sick leave
- Extended sick leave
- Personal leave
- Vacation leave
- Compensatory leave

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AM-204-21

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3rd Party Settlement

- Other paid time off

2. Medical costs to include:

- Physicians' fees
- Hospital charges
- Diagnostic procedures
- Drugs
- Therapy

3. Incidental costs to include:

- Telephone in hospital
- Television in hospital

A reimbursement payment to the City must be made payable to the Director of Finance. Reimbursement shall be limited to the amount of the settlement as evidenced from the employee.

RESTORATION OF LEAVE

If the City is reimbursed for vacation, personal leave, compensatory leave, and/or sick leave used by the employee as a result of the employee's injuries, the Department of Law will inform the Central Payroll Division. The leave will be restored to the employee's leave balance and his/her taxable earnings will be adjusted accordingly.

FAILURE TO COMPLY

If an employee fails to reimburse the City as required, the City may exercise appropriate remedies to include suit or reduction of wages until the employee's debt is paid. A determination to establish a lien against the employee's wages shall be rendered by the Department of Law.

***Inclement Weather and
City Emergencies Policy***

SCOPE

This policy outlines the responsibilities of non-essential, emergency essential and essential employees during inclement weather, other City emergencies, or disasters. Only the Mayor, by Executive Order, may authorize the closing or late opening of City facilities or the delayed arrival of non-essential City employees. However, all essential City services must remain in operation regardless of a delayed opening or a decision to close City facilities. Essential employees assigned to essential City services are required to report to work or remain at work as scheduled during inclement weather, other City emergencies, or disasters. Essential employees who do not report to work or remain at work as scheduled will not be compensated for the hours not worked due to inclement weather or City emergencies.

DEFINITIONS

Essential City Services - Essential City services include, but are not limited to police and fire protection, water and wastewater processing and treatment, utility maintenance, transportation services (including signal operations and maintenance) Convention Center services (including maintenance and preparation for contracted events), municipal telephone services, animal shelter, accounting, management information services, and departmental and citywide payroll functions.

Essential Employees - Employees who are designated as such by a department/agency head or designee for the purpose of providing essential services to City residents and/or other City employees during inclement weather, other City emergencies, and disasters when City offices are operating under the liberal leave policy or City offices are closed.

Emergency Essential Employees - Employees who are considered non-essential and are not generally required to respond to City emergencies outside of their normal workday, but who are designated for a period of time by their department/agency head or designee as essential. Emergency essential employees are required to report to work or remain at work as scheduled or as otherwise specifically directed due to the nature of the emergency or disaster. Employees will be informed when they are designated as emergency essential for an incident, and will return to their non-essential designation when their department/agency head deems their duties no longer necessary for that incident.

Non-essential employees – Employees whose functions are not considered necessary for the operation of City services and who are not required to report to work during inclement weather, City emergencies or when the City is operating under the liberal leave policy or City offices are closed.

***Inclement Weather and
City Emergencies Policy***

Designation of Employees – Department/agency head or designees must designate employees as either essential or non-essential by name and job classification. Copies of the official notice of designation must be sent to the Office of the Labor Commissioner (OLC).

Hours of Operation - Generally, City services are provided to the public in the City offices between the hours of 8:30 a.m. and 4:30 p.m. However, actual hours of work may vary based on the mission and operations of the agency.

Liberal Leave –Non-essential employees may use accumulated vacation or personal leave, compensatory time, or authorized leave without pay granted by the department/agency head or designee without requiring the normal advanced notice request period. Liberal leave will only be instituted when authorized by the Mayor. Non-essential Employees must call their immediate supervisor or designee to request leave and receive approval for use of leave when the liberal leave policy is in effect.

Workday/Shift - The hours that an employee is routinely scheduled to work in a day.

Designation of Employees - Department/agency heads must designate employees as either essential or non-essential by name and job classification. Copies of the official notice must be sent to the Office of the Labor Commissioner (OLC).

Emergency Holdover/Call-In - When circumstances necessitate, an essential employee or emergency essential employee may be held over, or called in prior to or after the employee’s normal shift, in order to perform services for the preservation of public safety. The employee’s department/agency head or designee may deem those services an emergency hold over or call-in. If the department agency/head or designee designates such services to be an emergency which requires employees to be held over or called-in, normal overtime provisions shall apply.

IMPLEMENTATION

The Mayor’s Office has designated the OLC to coordinate and implement this policy as necessary. In September of each year, the OLC will distribute printouts so that employees may be notified of their status as either essential, or non-essential in accordance with this policy. All designations of employees as either essential or non-essential must be indicated in the City’s HRIS when hired or as the designation changes. Department/ agency head or designees will be informed directly by the OLC of any decision to delay opening or to close City facilities.

***Inclement Weather and
City Emergencies Policy***

ANNOUNCEMENT(S)

An appropriate announcement of a Mayoral Executive Order on delayed opening or closing of City offices will be announced on the City of Baltimore dedicated hotline for employees, which is (410) 361-9200, radio station WBAL-AM (1090), television stations 2, 11, 13, 45, and cable station 21. The City of Baltimore is not responsible for reporting errors made by the media.

GUIDELINES FOR DELAYED OPENING, EARLY CLOSING, OR TIME OFF BY EXECUTIVE ORDER

The following system is adopted for City employees during inclement weather conditions, other City emergencies, or disasters:

Delayed Opening or Early Closing

Essential employees are required to report to work as scheduled. Liberal leave policy is in effect at the start of the workday or during the workday for non-essential employees with authorization from the agency/department head or designee.

- Non-essential employees who are absent, late for work, or leave early during a delayed opening or early closing must charge such absence to accumulated vacation, personal leave, compensatory time, or leave without pay. The department/agency head or designee may authorize such absence on an individual basis provided that essential City services remain in operation.
- Essential employees assigned to essential City services who do not report to work as scheduled during inclement weather conditions, other City emergency, or disasters will not be paid nor granted the use of accumulated leave for time missed from work. These employees may be subject to disciplinary action if waivers are not granted. The payroll marking will be “X” for the workday (unauthorized absence without pay). In the event of reasonable lateness during inclement weather, the department/agency head or designee may allow the use of accumulated leave for the hours not worked.
- Employees either essential or non-essential, who are absent, late for work, or leave early during inclement weather, other City emergency, or disasters may not charge such absence to sick leave unless: (1) a medical certificate is presented; or (2) illness is verified by the agency head; or (3) illness has occurred at least one workday before the day of inclement weather.

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Inclement Weather and City Emergencies Policy

Offices Closed by Executive Order

If non-essential City facilities are closed by Mayoral Executive Order, essential employees are required to report as scheduled. Appropriate compensation is authorized. Non-essential employees are not charged leave. The correct payroll marking for non-essential employees who do not report for duty is "P" (Permission Leave).

Essential employees who do not report to work as scheduled during inclement weather conditions, other City emergency, or disasters will not be paid or granted the use of accumulated leave time for the workday. The payroll marking will be "X" for the workday (unauthorized absence without pay). Sick leave may be charged when: (1) medical certificate is presented; (2) illness is verified by department/agency head or designee; or (3) illness occurred at least one workday before the closing.

Report-to-Work Waivers for Essential Person

Under certain circumstances, an essential employee(s) may be excused from reporting to work, if permission is granted prior to the shift by the department/agency head or designee. This exemption should be granted if the employee's services are not deemed crucial at the time of a delayed opening or earlier when liberal leave is in effect or when an Executive Order closes City offices. However, granting of such waivers must be thoroughly evaluated on a case-by-case basis by the agency head or designee to ensure that there will be no gap or disruption in essential City services during the inclement weather conditions, other City emergency, or disasters. When designated by the agency head or designee, any essential employee who is excused from reporting to work on that day will be treated the same as non-essential personnel for the purposes of leave usage and payroll markings.

EMPLOYEES WORKING IN BUILDINGS THAT ARE NOT OWNED AND OPERATED BY THE CITY

Essential and non-essential employees who work at alternative worksites may be impacted by the closing of those sites. The closings may not coincide with the directive from the Mayor. Those employees will be given the name and telephone number of a contact person to call if their building is closed by their immediate supervisor or human resources office. Employees will report to the agency's main office or alternative work site where arrangements can be made A

AGENCY HEAD RESPONSIBILITY

All department/agency head or their designees must designate essential employees by classifications and submit their names to the Office of the Labor Commissioner. Agencies are

***Inclement Weather and
City Emergencies Policy***

responsible for maintaining written records and HRIS (rosters and supplemental memos) of employees' designations. Employees who are newly hired, promoted, transferred, reassigned, or whose positions changed by other personnel actions, should be notified of their essential or non-essential designation within 30 days of their employment status change.

In addition, the agency/department head or designee must designate an employee and a telephone number for receiving calls and granting leave when the Inclement Weather Conditions and City Emergencies Policy has been invoked.

Some City facilities are open on weekends and holidays. The Mayor must approve closures or delayed openings of these sites before any announcement is released.

Department/agency head or designees are responsible for distributing the Inclement Weather Conditions and City Emergencies Policy to all employees. In addition to the policy distribution, communication on employees' designations is critical for employees' understanding and adherence to the Inclement Weather Conditions and City Emergencies Policy.

TRANSPORTATION – The City is not obligated to provide transportation services to and/or from work during inclement weather, other City emergencies, or disasters.

RELATED POLICIES

- AM-202-1 COMPENSATORY TIME
- AM-204-2 VACATION LEAVE
- AM-204-4 PERSONAL LEAVE
- AM-204-13 TIME-OFF BY EXECUTIVE ORDER
- AM-204-14 SICK LEAVE

COBRA

SCOPE

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that requires certain individuals as determined by the “Qualified Beneficiaries” and “Qualifying Event” sections of this policy, be given the opportunity to continue health care benefits.

QUALIFIED BENEFICIARIES

The following individuals, who are covered under the City of Baltimore’s group health plan the day before the “qualifying event,” can become qualified beneficiaries under COBRA:

- an employee;
- the spouse of an employee or retiree; and
- the dependent children of an employee or retiree.

QUALIFYING EVENT

Employees, retirees, and their covered dependents may be eligible for continuation of health care benefits, if one of the following qualifying events occurs:

For covered employees:

- the termination (other than by reason of gross misconduct) or reduction in hours of the covered employee’s employment.

In this case, health care benefits may be extended for the employee, as well as for covered dependents, for a period not to exceed 18 months. Health care benefits may be extended to 29 months for certain disabled qualified beneficiaries and their non-disabled family members.

For covered spouses and dependent children:

- the covered employee’s termination of employment (other than for gross misconduct) or reduction in hours of employment.
- *Health care benefits may be extended for a period not to exceed 18 months.*
- the covered employee's or retiree’s death;
- a divorce or legal separation of a spouse from a covered employee or retiree;
- a covered employee's or retiree’s entitlement to Medicare; or
- a child’s loss of dependent status.

COBRA

In these cases (other than termination or reduction in hours of employment), health care benefits may be extended for the spouse and children for a period not to exceed 36 months.

NOTIFICATION OF THE RIGHT TO CONTINUE HEALTH BENEFITS

Termination or Reduction in Hours

Employees who separate from City employment, and the spouses and dependent children of the employees will receive notification of their rights to continue health care benefits. A COBRA notification letter along with a COBRA election form will be mailed to the address indicated on the City's payroll records at the time of separation. Employees, their spouses and dependent children will have 60 days from the date of separation to apply for continuation of health benefits provided that they are enrolled at the time of separation.

Employees who are out of pay status due to a leave of absence, sick leave, family and medical leave, suspension, or other reasons will automatically be billed for their health plan premiums for every pay period they are out of pay status. Employees must call Employee Benefits Division-Premium Billing when they receive their bill. A representative will determine the employee's contribution based on the reason they are out of pay status. If they wish to continue prescription, dental and vision benefits, they must contact COBRA by calling ADP Benefit Services, phone number 1-800-526-2720.

Death of a Covered Employee or Retiree

The spouse and dependent children of a deceased employee or retiree will receive notification of their right to continue health care benefits. A COBRA notification letter along with a COBRA election form will be mailed to the address indicated on the City's payroll records at the time of death. The spouse and dependent children of the employee or retiree will have 60 days from the date of death to apply for continuation of health benefits provided that they are enrolled at the time of death.

Divorce

In cases of divorce, the employee or retiree must notify Employee Benefits Division within 60 days of the qualifying event. A COBRA notification letter along with a COBRA election form will be mailed to the address on file at the time of the qualifying event to the spouse and children of the employee or retiree. The spouse and dependent children of the employee or retiree will have 60 days from the date of divorce to apply for continuation of health benefits provided that they are enrolled at the time of the qualifying event.

COBRA

Employee's or Retiree's Entitlement to Medicare

An employee's or retiree's entitlement to Medicare that causes his/her spouse (or dependent children) to lose coverage is a qualifying event. However, Medicare Entitlement as the initial qualifying event, does not exist under the City's group health plan. Under Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982, employees who become entitled to Medicare may continue coverage in their health plan as primary and Medicare secondary. In most cases, Medicare Entitlement is a second qualifying event.

Loss of Child's Dependent Status

In cases of a child's loss of dependent status, a COBRA notification letter along with a COBRA election form will be mailed to the dependent child at the address indicated on file. The dependent child will have 60 days from the date of the qualifying event to apply for continuation of health benefits provided that the child was enrolled at the time of the qualifying event. (*Loss of dependent status refers to dependent children who have reached the age limit for the health plan in which they are enrolled.*)

COBRA ELECTION

Qualified beneficiaries who are eligible to continue their health benefits under COBRA may continue the following health benefit plans provided that they are enrolled at the time of the qualifying event:

- Medical Plan
- Prescription Drug Plan
- Vision Plan
- Dental Plan

Qualified beneficiaries, who elect to continue health benefits under COBRA, must continue coverage in the plans enrolled at the time of the qualifying event. Qualified beneficiaries may elect one level of coverage, such as Individual, Husband and Wife, Parent and Child, or Family provided that the dependents were enrolled at the time of the qualifying event.

DEPENDENT ELIGIBILITY

Qualified beneficiaries may enroll additional dependents during the year within 60 days of a marriage, birth, legal adoption, or guardianship, or terminate a dependent during the year within 60 days of a death, divorce or legal separation or other coverage. Documentation of enrollment or termination of a dependent is required at the time of notification. Contact ADP Benefit

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AM-204-28

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COBRA

Services by calling 1-800-526-2720.

OPEN ENROLLMENT

Qualified beneficiaries may also transfer health plans, enroll in or terminate a benefit or enroll or terminate a dependent during an annual Open Enrollment period. Changes will become effective January 1 of the following year.

BILLING

Qualified beneficiaries will receive monthly bill from ADP Benefit Services. Monthly payments are due the first day of each month. Payments must be made in full and made payable to:

ADP Benefit Services
P.O. Box 2968
Alpharetta, GA 30023-2968
Phone: 1-800-526-2720
Fax: 1-800-526-2723

TERMINATION OF COBRA BENEFITS

The maximum coverage periods may be terminated early if the:

- qualified beneficiary fails to pay the premium on time;
- qualified beneficiary becomes covered under another group health plan or Medicare after the COBRA election date; or
- City terminates all of its group health benefits.

FOR MORE INFORMATION

Additional information on the various health care benefits offered is available from the Employee Benefits Division of the Department of Human Resources, 201 E. Baltimore Street, Suite 500, Baltimore, MD 21202.

RELATED DOCUMENTS

AM-204-23 HEALTH CARE PROVISIONS
AM-204-24 PRESCRIPTION DRUG PROGRAM
AM-204-25 HEALTH INCENTIVE REIMBURSEMENT PROGRAM FOR PHYSICAL EXAMINATIONS, PHYSICAL FITNESS, VISION CARE OR DENTAL CARE
AM-204-26 OPTICAL/VISION PROGRAM

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AM-204-28

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COBRA

AM-204-27 OPTIONAL LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT
PLANS

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AM-205-1

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Salary

SCOPE

The Board of Estimates establishes the salary of all City classes whether the employee is in a Civil Service class or a Non-Civil Service class.

TYPES OF SALARY

There are two types of salary, which have been established by the Board of Estimates. They are a FLAT SALARY and a GRADED SALARY.

Flat Salary

In the case of a FLAT SALARY, i.e., grade 000 and grade 999, the Board of Estimates establishes the salary of a class at a fixed, non-incremental amount or that of an approved salary within the established flat range. An employee who fills a flat salaried classification does not receive a salary level movement after 18 months of service, but is eligible for the annually negotiated cost of living increase and for advancement on the salary scale for seniority if otherwise eligible. An employee whose salary is that of a flat salary classification is not subject to negotiation but is established by the Board of Estimates. Director of Personnel may authorize movement within the range of a variable ranged flat salary grade of 999 when requested by an agency with sound supporting justification.

Graded Salary

In the case of a GRADED SALARY, the Board of Estimates may establish the salary of a class at a specified grade, i.e., 61, 410, and 117. Each grade has a specific range with a specific minimum and maximum salary. The range between the minimum and maximum salary is separated by a single increment. An employee begins employment at the minimum of the appropriate salary range and advances 18 months to the middle increment and 18 months hence advances to the maximum of the salary for the grade. The granting of any advance within the range is subject to the City's fiscal condition and satisfactory performance of the employee. An employee whose salary is in a graded salary classification may be increased through the collective bargaining process and subsequently requires Board of Estimates approval.

BASE SALARY

An employee's base salary is either:

- The amount of the employee's placement in his

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AM-205-1

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Salary

grade after any longevity amount has been removed.

OR

- The amount of the employee's specified flat salary.

STARTING SALARY

The starting salary of a new employee whether in a Civil Service or non-Civil Service class is determined as follows:

- If the employee's class has a flat salary, then the starting salary will be the stated flat rate for those classes in grade 000 or the agreed salary, which is in the range for those classes established in grade 999.
- If the employee's class has a graded salary, then the starting salary will be the minimum of the class range.

RECRUITMENT DIFFICULTY - CIVIL SERVICE

In certain circumstances, the Personnel Director of the Department of Personnel may authorize a higher starting salary or when not empowered to do so, may seek the approval of the Board of Estimates. In the case of current City employees, the promotion rule would apply. Refer to AM-235-1.

Flat Salary - The Personnel Director of the Department of Personnel may not authorize a starting salary, which is higher than an established flat salary. When the Department of Personnel has difficulty locating qualified applicants who will accept employment at the established flat salary, then the Department of Personnel must request the Board of Estimates to upgrade the class or revise the class to a ranged flat grade i.e., 999, and establish an equitable range. An employee who fills a ranged flat salary does not receive an 18 months level movement, but is eligible for a cost of living increase and longevity increase if approved. Also, the employee does not automatically progress through the classification salary range.

Graded Salary - The Personnel Director of the Department of Personnel may authorize a starting salary which is higher than the beginning range of the class, including merit levels, when the Department of Personnel documents difficulty in locating qualified applicants who will accept employment at the established starting salary.

RECRUITMENT DIFFICULTY - NON-CIVIL SERVICE

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AM-205-1

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Salary

If an agency which has the authority to employ non-Civil Service personnel documents difficulty in locating qualified applicants who will accept employment at the established starting salary, the agency head may request the Department of Personnel to:

Flat Salary - recommend to the Board of Estimates to authorize the upgrading of the grade in question or conversion of the classification to a ranged flat.

Graded Salary - authorize a starting salary, which is higher than the beginning range.

In the case of current City employees, the promotion rule would apply. Refer to

AM-235-1, Promotions.

SALARY OF TRANSFERRED EMPLOYEES

If an employee transfers between agencies, programs, or funds and retains his present class, he shall also retain his present salary, provided the gaining agency approves funds to fill the position at this salary. The employee's increment date is not affected by a transfer.

SALARY AFTER PROMOTION

The salary of an employee who has been promoted to a higher grade within a class is set in accordance with AM-235-1, PROMOTION.

SALARY AFTER UPGRADING

The salary of an employee whose job class has been upgraded is determined as follows:

- If the salary range of the class has the same total number of levels after upgrading as before

upgrading, then the employee shall move to the same level in the higher salary grade.

- If the salary range of the class has fewer total levels after upgrading than before upgrading, then the employee shall move to the same salary level in the higher grade and class. However, if the upgraded class has no level corresponding to the employee's present level, he shall advance to the hiring level of the new grade.

An employee's level movement date is not affected by an upgrading of his class.

SALARY AFTER DEMOTION

The salary of an employee who has been demoted to a lower class either voluntarily or involuntarily is determined as follows:

- If employee's present salary is the same as or greater than the maximum of the lower class, then the employee shall receive the maximum salary of the lower class.
- If employee's present salary is less than the maximum of the lower class, then the employee shall receive the salary of the level in the lower class, which is closest to his present salary. He shall then advance in the normal manner until the maximum salary of the lower class is reached.

An employee's level movement date is not affected by demotion.

SALARY AFTER DOWNGRADING

Civil Service and Non-Civil Service positions may be downgraded as a result of a Civil Service action approved by the Board of Estimates. Changes in salary for an employee whose position or job classification has been downgraded are determined in accordance with the provisions of AM-230-5, Downgrading. Any adjustment to salary resulting from a position or job classification downgrading will be implemented in three phases.

EFFECTIVE DATE OF SALARY CHANGE

The effective date of a salary change is determined as follows:

- If the employee's approval date for promotion, demotion, upgrading, downgrading, or his level movement date falls within the first half of a payroll period, then the salary change is effective the first day of that payroll period.
- If an employee's approval date or level movement date falls within the second half of a payroll period, then the salary change is effective the first day of the following payroll period.

CHARGES TO SALARY

Certain employees will be charged for any housing, subsistence or transportation provided to them. These charges will be deducted from the employee's initial paycheck. Those employees

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AM-205-1

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Salary

affected by this provision should consult the Bureau of Accounting and Payroll Services, Department of Finance.

RELATED POLICIES:

AM-204-30 DETERMINATION OF BENEFITS: PART I

AM-204-31 DETERMINATION OF BENEFITS: PART II

AM-230-5 DOWNGRADING

AM-205-13 LONGEVITY INCREMENTS

AM-235-1 PROMOTION

[AM-290 SALARY SCHEDULES](#)

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AM-205-2 – Part 1

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Overtime and Call-Back Work: Overview

SCOPE

The provisions of the fair Labor Standards Act (FLSA) as amended in November 1985, apply to overtime compensation for City employees. Under this Act, all positions in the City service have been categorized either as “non-exempt” or “exempt”. Specific guidelines governing the manner in which employees serving in non-exempt positions must be compensated for work Performed in excess of the normal full-time work shift and/or in Excess of the normal full-time work week are established in Part II of this policy. Employee positions categorized as “exempt” may be compensated for overtime in accordance with Part III of this policy.

The FLSA Codes identifying job classes as non-exempt or exempt are listed in CIVIL SERVICE CLASSES {AM-291-1} and NON-CIVIL SERVICE CLASSES {AM-291-2}. Non-Exempt classes are indicated by FLSA Code “F” while exempt classes are indicated by FLSA Code “X.” However, designated positions within a class may have been assigned an FLSA Code different from that which is listed for the entire class. The agency personnel officer or the classification division of the Civil Service Commission may be contacted to verify FLSA Codes.

Note: Uniformed police and fire personnel are subject to police and fire department overtime regulations.

OVERTIME FUNDS

Each agency head and bureau head must carefully monitor the funds which have been budgeted for overtime. If it appears that a program will exceed such budgeted funds, the agency head must submit a MEMO (28-1418-5007) to the Chief, Bureau of the Budget and Management Research, requesting a reallocation of funds within the total amount budgeted for salaries and wages. A copy of the MEMO must also be forwarded to the Overtime Committee, Mayor’s Office, City Hall.

The request for reallocation of funds must include a detailed explanation of the conditions under which the use of funds for overtime was authorized and a justification of the need for additional funds. The Chief, Bureau of the Budget of the Budget and Management Research, will review the request and approve or disapprove the reallocation of funds. In addition, he may initiate action to have a study made to determine alternative means of accomplishing the necessary work.

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***Overtime and Call-Back Work:
Overview***

WORK SHIFT DEFINED

Representation Code*	Work Shift
1,U,M	The work shift consists of an 8 hour day which includes a 40 minute lunch period.
4,5,6,7,9	The work shift consists of a 7 1/3 hour work day plus an unpaid 40 minute lunch period

*See Key on page5.

WORK WEEK DEFINED

The normal full-time work week consists of 5 consecutive Work days in a 7 day period excluding Saturday and Sunday. However, in operations where an employee is normally scheduled to work on Saturday and/or Sunday, the normal full-time work period will consist of 10 work days in a 14 day period.

OVERTIME WORK PROVISION

An agency head may authorize overtime work in accordance with parts II and III of this policy only under the following conditions:

- To deal with emergency situations. For purposes of this policy, an emergency situation is defined as any condition which endangers, safety, life or property or threatens the breakdown of vital services to the public.
- To perform duties which can only be accomplished outside an employee’s regularly scheduled workday.
- To accomplish essential work within a prescribed time when a deadline cannot be altered.
- To maintain essential operations.

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AM-205-2 – Part 1

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***Overtime and Call-Back Work:
Overview***

Employees cannot be required to perform overtime work except in an emergency situation. Every case of refusal, however, must be recorded and the number of hours declined specified.

TRAVEL STATUS

The performance of overtime work by a City representative while attending a conference, convention, or seminar either out-of-town {AM-240-1} or within City limits {AM-240-7} must be specifically authorized by the Board of Estimates prior to the event.

If conditions require that a TRAVEL REQUEST (28-1418-5016) {AM-240-1-1} be submitted to the Board of Estimates, the request for overtime authorization must be included in this form; otherwise, the request must be submitted to the Board of Estimates on a City MEMO (28-1418-5007) in accordance with AM-101-1.

A non-exempt employee who works approved overtime while in a travel status must be compensated in accordance with FLSA provisions.

TIME CHANGE

No employee will lose pay due to a shortening of his actual hours of work caused by the changing of clocks for the observance of Eastern Daylight Savings Time. Any employee whose actual hours of work are extended due to the changing of clocks for the return of Eastern Standard Time will be compensated for all work in excess of 8 hours.

CALL-BACK COMPENSATION

A permanent full-time employee or a permanent part-time employee who:

- has completed the normal full-time work shift and has been called back to work after leaving with the expectation that he would not be required to work during his normal time off,

OR

- has completed the normal full-time work week and has been called back to work after

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AM-205-2 – Part 1

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Overtime and Call-Back Work: Overview

leaving with the expectation that he would not be required to work during his normal time off,

will receive compensation for a minimum of 4 hours. Non-exempt employees may elect to receive monetary payment or compensatory leave in an amount equal to 1 ½ times the total hours of callback work recorded. Exempt employees will receive compensatory leave in an amount equal to the total hours of call-back work recorded. The hours recorded as call-back work shall not be counted as time worked for overtime purposes.

Exception

An employee called back to work additional hours consecutively annexed to either end or both ends of his regular work shift cannot receive call-back compensation. However, he can receive overtime compensation for such work if he meets all eligibility requirements for overtime compensation. No provisions of this policy shall be constructed as to mean compounding of overtime.

KEY TO REPRESENTATION CODES

The following codes indicate which, if any, labor union represents employees in a particular job class.

- 1 – AFSCME, Local 44.
- 2 – Elected Officials
- 3 – Appointed Officials subject to the provisions of Article VI, Section 3 (a) of the Baltimore City Charter.
- 4 – CMEA.
- 5 – AFSCME, Local 558.
- 6 – Managerial and Professional Society.
- 7 – Unrepresented (designated benefits – Salary Schedule A).
- 8 – Sworn Fire and Police Personnel.
- 9 – Unrepresented (Managerial and Professional Society).

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AM-205-2 – Part 1

m ***Overtime and Call-Back Work:
Overview***

- M – Unrepresented (designated benefits – Salary Schedule B).
- N – No representative/no benefits.
- U – City Union of Baltimore.

RELATED DOCUMENTS

For additional information, see:

AM-101-1	REQUESTS FOR B/E APPROVAL
AM-205-2 PART II	OVERTIME: NON-EXEMPT EMPLOYEES
AM-205-2 PART III	OVERTIME: OVERTIME EXEMPT EMPLOYEES
AM-205-2-1	OVERTIME CONVERSION CHART
AM-214-1	OUT-OF-TITLE WORK
AM-205-16	MEAL ALLOWANCE
AM-240-1	TRAVEL PACKAGE OVERVIEW
AM-291-1	CIVIL SERVICE CLASSES
AM-291-2	NON-CIVIL SERVICE CLASSES

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AM-205-2 – Part 1

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*Overtime and Call-Back Work:
Overview*

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AM-205-2 Part 2

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***Overtime Work:
Non-Exempt Classes***

SCOPE

In addition to the general guidelines stated in Part I of this policy, compensation for overtime work performed by an employee serving in a position categorized as “non-exempt” as listed in CIVIL SERVICE CLASSES {AM-291-1} and NON-CIVIL SERVICE CLASSES {AM-291-2} must be in accordance with the provisions outlined in the following sections. Overtime work results when an employee’s immediate supervisor has approved work beyond the normal work day as determined by the representation status of the class; or, approved work performed by the employee on an unscheduled work day.

OVERTIME MANAGEMENT

Central Payroll will routinely process all overtime as posted by the agency payroll clerk.

To keep agency expenditures within budgetary programming, each agency’s monthly expenditures for overtime will be monitored to ascertain that the monthly expenditure does not exceed 1/12 of the agency’s annual appropriation.

The Overtime Committee will review other reports gleaned From Payroll and Integrated Financial Systems (IFS) data to review overtime spending; particularly as it applies to program, Program activity, individual employee(s), budgeted positions, etc.

The Overtime Committee will advise the Mayor directly of those agencies which, in their opinion, are not positively responding to the Mayor’s directives to reduce and otherwise control overtime spending.

RECORDING OVERTIME WORK

Overtime is recorded and compensation granted in 6 minute increments after an initial 12 minutes of overtime has been worked beyond the normal work shift and/or work week. All paid leave used within a pay period, i.e., vacation leave, compensatory leave, etc. is counted as time worked in determining eligibility for overtime compensation.

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***Overtime Work:
Non-Exempt Classes***

WORK SHIFT DEFINED

Representation Code*	Work Shift
1 , U, M	The work shift consists of an 8 hour day which includes a 40 minute lunch period.
4 ,5 ,6 ,7 ,9	The work shift consists of a 7 1/3 hour work day plus an unpaid 40 minute lunch period.

*See Key on page 5.

WORK WEEK DEFINED

The normal full-time work week consist of 5 consecutive work days in a 7 day period excluding Saturday and Sunday. However, in operations where an employee is normally scheduled to work on Saturday and/or Sunday, the normal full-time work period will consist of 10 work days in a 14 day period.

COMPENSATION

Overtime compensation for non-exempt classes is determined by the appropriate union code for the class as contained in CIVIL SERVICE CLASSES (AM-291-1) and NON-CIVIL SERVICE CLASSES (AM-291-2). The rate is calculated as follows:

<u>Representation Code</u>	<u>FLSA Code</u>	<u>Conditions</u>	<u>Compensation</u>
4, 6, 7, 9	F	Time worked in excess of 36 2/3 but less than or equal to 40 hours during the normal full time work week	Monetary payment in an amount equal to the employee's normal hourly rate.

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***Overtime Work:
Non-Exempt Classes***

1, U, M	F	Time worked in excess of 8 hours during a normal full-time work shift.	Employees may elect to receive either Monetary payment or compensatory leave in an amount equal to 1 ½ time the Overtime hours worked.
1, 4, 6, 7, 9, U, M	F	Time worked in excess of 40 hours during the normal full-time work week.	
1, U, M	F	Time worked on the 6 th consecutive work day in an operation where the normal work week is 5 days in a 7 day period.	
1, U, M	F	Time worked in excess of 80 hours on the 11 th and 12 th consecutive work days in an operation where is 10 days in a 14day period.	
4, 6, 7, 9	F	Time worked in excess of 47 1/3 hours on the 7th consecutive work day in an operation where the work week is 5 days in a 7 day period.	Employees may elect to receive either monetary payment or compensatory leave in an amount equal To 2 times the over-time hours worked.
1, U, M	F	Time worked in excess of 48 hours on the 7 th consecutive work day in an operation where the work week is 5 days in a 7 day period.	
4, 6, 7, 9	F	Time worked in excess of 91 2/3 hours on the 13 th And 14 th work days in an operation where the normal work week is 10 days in a 14 day period. Time worked in excess of 96 hours on the 13 th and 14 th work days in an operation where the normal work week is 10 days in a 14 day operation.	

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AM-205-2 Part 2

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***Overtime Work:
Non-Exempt Classes***

MAXIMUM ACCUMULATION OF COMPENSATORY LEAVE

The maximum amount of compensatory leave that a non-exempt employee may accumulate is 240 hours. Non-exempt employees must receive monetary payment for overtime worked if their compensatory leave balance has reached the 240 hour limit.

OUT-OF-TITLE WORK

A non-exempt employee who works in an approved out-of title status which may indicate a different FLSA category will retain a non-exempt status for purposes of overtime compensation.

TRAVEL STATUS

A non-exempt employee who works approved overtime while in a travel status must be compensated in accordance with FLSA provisions.

MOVEMENT FROM NON-EXEMPT TO EXEMPT

A non-exempt employee who permanently moves to an exempt position will be paid for all accumulated compensatory leave which is unused as of the date of movement.

SEPARATION FROM CITY SERVICE

A non-exempt employee will receive full payment for all accumulated compensatory leave which is unused as of the date of separation provided that the employee is not indebted to the City.

KEY TO PRESENTATION CODES

The following codes indicate which, if any, labor union represents employees in a particular job class.

- 1 - AFSCME, Local 44.
- 2 - Elected Officials.
- 3 - Appointed Officials subject to the provisions of ARTICLE VI, Section 3 (a) of the Baltimore City Charter.
- 4 - CMEA.
- 5 - AFSCME, Local 558.
- 6 - Managerial and Professional Society.
- 7 - Unrepresented (designed benefits – Salary Schedule A).

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AM-205-2 Part 2

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***Overtime Work:
Non-Exempt Classes***

- 8 - Sworn Fire and Police Personnel.
- 9 - Unrepresented (Managerial and Professional Society).
- M - Unrepresented (designated benefits – Salary Schedule B).
- N - No representative/no benefits.
- U - City Union of Baltimore.

RELATED DOCUMENTS

For additional information, see:

AM-101-1	REQUEST FOR B/E APPROVAL
AM-205-2 PART I	OVERTIME AND CALL-BACK WORK: OVERVIEW
AM-205-2 PART III	OVERTIME: EXEMPT EMPLOYEES
AM-205-2-1	OVERTIME CONVERSION CHART
AM-214-1	OUT-OF-TITLE WORK
AM-205-16	MEAL ALLOWANCE
AM-291-1	CIVIL SERVICE CLASSES
AM-291-2	NON-CIVIL SERVICE CLASSES

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AM-205-2 – Part 3

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***Overtime Work:
Exempt Classes***

SCOPE

Compensation for overtime work performed by employees serving in positions categorized as “exempt” as listed in Civil Service Classes {AM-291-2} may be in conformity with the provisions outlined in the following sections. Overtime work results when an employee’s immediate supervisor has approved work beyond the normal work day as determined by the representation status of the class; or, approved work performed by the employee on an unscheduled work day.

RECORDING OVERTIME WORK

Compensation for overtime work may be granted after a minimum of 1 hour of overtime work has been performed. Overtime work is recorded and compensation granted in 6 minute increments to the first hour of overtime worked.

COMPENSATION

Employees will receive compensatory leave in an amount equal to the overtime recorded.

MAXIMUM ACCUMULATION OF COMPENSATORY LEAVE

An accumulation not exceeding 400 hours of compensatory leave is authorized for employees serving in exempt positions.

OUT-OF-TITLE WORK

An exempt employee who fills a non-exempt position, while in an approved out-of-title status, will be treated as a non-exempt employee for purposes of overtime compensation. (See Part II of this policy.)

MOVEMENT FROM EXEMPT TO NON-EXEMPT

When an employee serving in an exempt class permanently moves to a non-exempt position, the employee’s compensatory leave balances will be converted to sick leave.

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AM-205-2 – Part 3

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***Overtime Work:
Exempt Classes***

SEPARATION FROM CITY SERVICE

Exempt employees cannot use compensatory leave on the date of separation and/or 4 work days immediately preceding the date of separation. Exempt employees will not receive payment for any compensatory leave which is unused as of the date of separation.

RELATED DOCUMENTS

For additional information, see:

AM-101-1	REQUESTS FOR B/E APPROVAL
AM-205-2	OVERTIME AND CALL-BACK WORK: OVERVIEW
PART I	
AM-205-2	OVERTIME: NON-EXEMPT EMPLOYEES
PART II	
AM-205-2-1	OVERTIME CONVEERSION CHART
AM-214-1	OUT-OF-TITLE WORK
AM-205-16	MEAL ALLOWANCE
AM-240-1	TRAVEL PACKAGE OVERVIEW
AM-291-1	CIVIL SERVICE CLASSES
AM-291-2	NON-CIVIL SERVICE CLASSES

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AM-205-2-1

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Overtime Conversion Chart

SCOPE

Overtime is recorded and compensation granted in 6 minute increments. The following chart may be used to convert minutes to fractions of an hour for the purpose of recording overtime on the PAYROLL ATTENDANCE REPORT (AM-204-16-1).

OVERTIME CONVERSION CHART (11 Minutes De Minimus)

<u>Minutes</u>	<u>Fraction Of An Hour</u>
0 – 11.....	0.0
12.....	0.2
13 – 18.....	0.3
19 – 24.....	0.4
25 – 30.....	0.5
31 – 36.....	0.6
37 – 42.....	0.7
43 – 48.....	0.8
49 – 54.....	0.9
55 – 60.....	1.0
61 – 66.....	1.1
67 – 72.....	1.2

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AM-205-3

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Direct Deposit Payroll Plan

SCOPE

Certain City employees may elect to have their net salary deposited directly to their personal checking account or MECU share draft account rather than receive a payroll check on the designated pay date. If direct deposit is elected, the amount of the employee's salary will be available for withdrawal at the start of banking hours on the designated payday for that employee's location. The employee will receive his paycheck stub at the regular paycheck distribution time at his designated payroll location.

DIRECT DEPOSIT REQUEST

To participate in the Direct Deposit Payroll Plan, a PAYROLL DIRECT DEPOSIT REQUEST (28-1428-5031) (AM-205-3-1) must be completed and sent to the Central Payroll Division, 8th floor, M.E.C.U. Building, 400 E. Fayette Street, by the employee. In addition, the employee should attach a voided check from their personal account to ensure accuracy of account number and bank code. The employee's net salary will be deposited directly to his checking account within 2 pay periods after receipt of this form by the Central Payroll Division.

PARTICIPATING BANKS/INSTITUTIONS

Most major banks, thrifts and credit unions participate in the electronic network, however an employee should contact the Central Payroll Division for confirmation.



CITY OF BALTIMORE

PAYROLL DIRECT DEPOSIT REQUEST

INSTRUCTIONS: 1. Print legibly in ink. 2. Refer to pay stub for Department, Location Codes & Employee ID. 3. Forward to: Central Payroll Division, Rm. 800, 401 E. Fayette St., Baltimore, MD 21202

Form with fields: Social Security Number, Employee ID No., Last Name, First Name, Middle Initial, Department & Location Code

I authorize the Central Payroll Division to take the following action with my net pay:

(Check Appropriate Box)

[] Begin Direct Deposit to:

[] Change Direct Deposit to:

[] Discontinue Direct Deposit

Select one:

Enter Name of Financial Institution:

[] Checking (Attach voided check)

[] Savings

Routing Number _____

Account Number _____

In the event that the Central Payroll Division notifies the financial institution that funds to which I am not entitled were deposited to my account in error, I hereby authorize and direct the financial institution to return said funds to the Central Payroll Division as soon as possible.

Form with fields: CENTRAL PAYROLL DIVISION USE ONLY ABA #, Account #, Employee Signature, Date, Daytime Phone No.

m ***Employee Indebtedness***

The City of Baltimore (“City”) recognizes that prudent fiscal control includes the active collection of all indebtedness. Employees may become indebted to the City for a variety of financial reasons and therefore has an obligation to repay. Employees who fail to resolve any debt owed to the City may be subject to disciplinary action, garnishment of wages, or a collections process.

I. PURPOSE

The purpose of this Policy is to establish the rules for collecting salary overpayments and benefit deductions. All employees are expected to diligently monitor their pay, including insurance premiums; report any discrepancies to the immediate supervisor or Agency payroll clerk; and promptly pay any and all debts owed to the City.

II. SCOPE

This Policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, temporary employees, probationary employees, and seasonal employees. This Policy is in addition to, and not a substitute for, any other rights the City may have for collection of employee indebtedness.

III. NOTIFICATION

In the event of employee indebtedness, the Central Payroll Division: Bureau of Accounting and Payroll Services – Department of Finance (“CPD”) has an obligation to recover funds. Debt may be detected by an employee, an Agency, or CPD staff. If debt is detected by the Agency, the employee will receive *AM 205-4-1 Notification of Employee Indebtedness (AM 205-4-1)* by the Agency’s Human Resources Practitioner.

A. Initial Notification. Once CPD is notified of the amount owed by the employee from the employee’s Agency, the employee will receive written notification of the debt. The written notice will inform the employee, at minimum, the reason for indebtedness; the amount of the debt; and the time period (which varies upon the course of action taken by the employee) in which the employee must pay their debts, contest debts, or have pay garnished voluntarily or involuntarily through payroll deduction. The written notice will also indicate that the employee may dispute the debt, in writing, within five (5) business days of receipt.

B. Dispute of Process. An employee who disputes an indebtedness must include a full explanation in their response and backup documentation to substantiate their claim. CPD

m ***Employee Indebtedness***

will notify the employee, in writing, of the final determination within five (5) business days. The employee may appeal the determination to the Central Payroll Manager within five (5) business days, and the Manager must respond within five (5) business days of receipt of response by CPD. If the debt remains unpaid after thirty (30) business days of CPD’s final determination and no arrangement for repayment have been made, the collection process will begin to collect the debt. Further, the employee may be subject to discipline, up to and including termination.

1. If the full explanation is denied and the employee wants to repay by payroll deduction, then the employee must sign and return *AM 205-4-1*. The employee must state the amount of the payroll deduction (in accordance with the minimum deductions outlined in *Section V. Repayment Installments Through Payroll Deduction* below).

C. Failure to Respond. If, after ten (10) business days from when the Agency notified the employee of an overpayment, CPD has not received a letter of protest, a signed installment election form, the uncashed erroneous paycheck, or an employee’s personal check or money order for the net amount of the overpayment, CPD will proceed with recovery via payroll deduction (in accordance with *Section IV. Collection Process* below). Recovery in this circumstance will be made at the minimum deduction cited below until the overpayment is fully satisfied.

IV. COLLECTION PROCESS – TEMPORARY EMPLOYEES

A. Overpayment is recoverable immediately upon notification. If the debt is not repaid upon receipt of notice, subsequent pay will be garnished until there is complete recovery of funds (in accordance with the minimum deductions outlined in *Section V. Repayment Installments Through Payroll Deduction* below). Agencies must obtain the employee’s signature on a memo acknowledging the payroll deduction. An employee who fails to do so may be terminated.

1. If the employee is terminated and an unpaid balance remains, the Department of Finance will issue the employee a “Miscellaneous Bill.” If the bill is not paid, the Collections Division of the City Law Department will file for a judgment against the employee. If the Court finds in favor of the City, the employee’s earnings from any subsequent employer will be garnished until the principal amount (plus court costs, legal fees, and interest) is paid in full.

Employee Indebtedness

V. COLLECTION PROCESS – REGULAR EMPLOYEES

A. Debt Due to Overpayment

1. Regular employees who have been overpaid by an amount of five percent (5%) or less (but not exceeding \$100) of their weekly or biweekly base salary or average regular earnings will have the overpayment deducted from a subsequent pay. CPD will notify an Agency when such action will be taken, and the Agency will inform the employee.

Employees who have been overpaid in excess of five percent (5%) or more than \$100 have four courses of action available to them:

- a. They may return the erroneous check, and CPD staff will issue the appropriate replacement check (usually within one business day);
- b. They may reimburse the net amount of the overpayment by personal check or money order made payable to the Director of Finance;
- c. They may agree to the recovery of the gross overpayment in full by payroll deduction from their next pay; or
- d. They may agree to an installment repayment plan by payroll deduction (see *Section V. Repayment Installments Through Payroll Deduction* below).

If an overpayment exceeds \$1,000, recovery of all or a portion of the excess may be made by a “cash-in” of accrued vacation or personal leave days. Requests for such consideration must be made in writing by the employee to CPD, who will send the request to the Director of Finance or its designee will approve or disapprove such request.

Upon collection of overpayment, CPD staff will correct year-to-date records.

B. Debt Other than Overpayment

1. **Recovery of Insurance Premiums.** Employees who go on Leave Without Pay status are solely responsible for payment of their health insurance premium during that timeframe. Upon the employee’s return, they have the opportunity to enroll in a payroll deduction plan in accordance with *Section V. Repayment Installments Through Payroll Deduction* below. If the employee does not voluntarily elect to enroll in the payroll deduction plan within two weeks of their return, a double deduction of the insurance premiums will occur until the debt is paid in full.

Employee Indebtedness

VI. REPAYMENT INSTALLMENTS THROUGH PAYROLL DEDUCTION

All repayments must be made within a 12 month period. In order to protect the City’s interests, decrease the processing burden, and assist Agencies in controlling their operating budgets, CPD has set the following minimum amounts for payroll deductions:

1. Regular employees with annual base salaries of \$60,000 or more: \$100 per biweekly pay;
2. All other regular employees paid on a biweekly basis: \$50 per biweekly pay; and
3. Regular employees paid on a weekly basis: \$25 per week.

The Central Payroll Manager may approve other repayment plans in individual cases where, for example, the Agency and the employee can demonstrate extraordinary financial hardship caused by a minimum deduction as shown above.

VII. TRANSFERS AND SEPARATION

A. Employees Separating from the City

If an employee remains in debt to the City upon separation from the City, this Policy will follow *AM 205-7, Separation and Payment at Termination (AM 205-7)*, which states that “payment for leave will be withheld in an amount equal to the employee’s indebtedness.” If any unpaid balance still remains, the Department of Finance will issue a “Miscellaneous Bill” to the employee. If the employee does not pay the bill, the Collections Division of the City Law Department will file for a judgment against the employee. If the Court finds in favor of the City, the employee’s earnings from any subsequent employer will be garnished until the principal amount (plus court costs, legal fees, and interest) is paid in full.

VIII. COMPLIANCE

Violation of this Policy may result in garnishment of wages, a collection process, or disciplinary action, including termination of employment.

IX. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

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AM 205-4

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Employee Indebtedness

X. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XI. RELATED POLICIES

AM-205-4-1 Notification of Employee Indebtedness (Memo to the Employee)

AM-205-4-2 Notification of Employee Indebtedness – Health Insurance Premium (Memo to the Employee)

AM-205-7 Separation and Payment at Termination

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AM 205-4-1

m **Notification of Employee Indebtedness**
(Memo to the Employee)

FROM (Agency Representative): _____

TO (Employee): _____

DATE: _____

RE: Employee Indebtedness

Following consultation with the Central Payroll Division (“CPD”), we have determined that you owe _____ due to overpayment. Due to the nature of your employment and the type of debt owed, please see Section I: Repayment Option #___ below for your available repayment options.

You have ten (10) business days to notify CPD in writing if you wish to contest the validity of the debt owed. You must provide an explanation and documentation to substantiate your claim.

Section I: Repayment Options

1) If you are a temporary employee:

In accordance with City policy, *AM-204-4 Employee Indebtedness*, the debt will be recovered by:

- Repayment of the net amount of \$ _____ by personal check payable to the Director of Finance.

- Recovery of the full amount from you next pay(s).

Please check the appropriate box above and sign Sections II and III to acknowledge this notification.

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AM 205-4-1

m ***Notification of Employee Indebtedness***
(Memo to the Employee)

2) If you are an employee who was overpaid by 5% or less (but not exceeding \$100) of your weekly/bi-weekly gross salary or average regular earnings:

The following repayment options are available to you:

- Since your overpayment equals 5% or less (but not exceeding \$100) of your weekly/bi-weekly gross salary or average regular earnings, the overpayment will be deducted from your pay for a period ending _____.
- You may return the erroneous check, and the CPD staff will issue the appropriate replacement check (usually within one business day).
- You may reimburse the net amount (\$_____) of the overpayment by personal check made payable to the Director of Finance.

Please sign Sections II and III to acknowledge this notification.

3) If you are an employee who was overpaid by more than 5% or more than \$100 of your weekly/bi-weekly gross salary or average regular earnings:

The following repayment options are available to you:

- You may return the erroneous check, and the CPD staff will issue the appropriate replacement check (usually within one business day).
- You may reimburse the net amount (\$_____) of the overpayment by personal check made payable to the Director of Finance.
- You may agree to the recovery of the overpayment in full by payroll deduction from your next pay.
- You may request a repayment plan by payroll deduction – the minimum amount of the deduction is \$_____.

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AM 205-4-1

m ***Notification of Employee Indebtedness***
(Memo to the Employee)

“Cash-in” of accrued vacation or personal leave days (if overpayment exceeds \$1,000).

Please check the appropriate box above and sign Sections II and III to acknowledge this notification.

Section II: Acknowledgement

If, after ten (10) business days from when the Agency notified the employee of an overpayment, CPD has not received a letter of protest, a signed installment election form, the uncashed erroneous paycheck, or an employee’s personal check or money order for the net amount of the overpayment, CPD will proceed with recovery via payroll deduction. Recovery in this circumstance will be made until the overpayment is fully satisfied.

Upon collection of overpayments, CPD staff will correct year-to-date records.

Employee’s Signature: _____ **Date:** _____

Original to Employee
Employee’s File
CPD Copy

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AM 205-4-1

m ***Notification of Employee Indebtedness***
(Memo to the Employee)

Section III: Installment Election Form

Employee's Name (Printed): _____

I have selected, by initialing my name, the option below for repayment of my overpayment:

_____ **Option 1: Temporary Employee**

_____ **Option 2: Employee – Overpayment by 5% or less (but not exceeding \$100)
of Weekly/Bi-Weekly Gross Salary or Average Regular Earnings**

_____ **Option 3: Employee – Overpayment by more than 5% or more than \$100
(but not exceeding \$100) of Weekly/Bi-Weekly Gross Salary or Average
Regular Earnings**

I authorize the City of Baltimore ("City") to deduct a total of \$_____ from my next
_____ payroll check(s), to repay an overpayment of salary that was received on _____,
for pay that was not due.

Employee's Signature: _____ **Date:** _____

Agency Representative: _____ **Date:** _____

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AM 205-4-2

m ***Notification of Employee Indebtedness
Health Insurance Premium
(Memo to the Employee)***

FROM: Department of Human Resources - Employee Benefits Division (“EBD”)

TO: (Employee): _____

DATE: _____

RE: Employee Indebtedness – Health Insurance Premium

Our records indicate that you owe a total of \$ _____ for your health insurance premiums while you were in out-of-pay status. Please see Section I: Repayment Options below for your available repayment options.

You have ten (10) business days to notify EBD in writing if you wish to contest the validity of the premium owed. You must provide an explanation and documentation to substantiate your claim.

Section I: Repayment Options

The following options are available to you for health insurance payment:

- Regular employees with annual base salaries of \$60,000 or more: **\$100 per pay cycle.**
- Regular employees with annual base salaries of \$60,000 or less: **\$50 per pay cycle.**
- Regular employees paid on a weekly basis: **\$25 per week.**
- Double deduction of the health insurance premium owed until debt is paid in full.

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AM 205-4-2

m ***Notification of Employee Indebtedness
Health Insurance Premium
(Memo to the Employee)***

If you do not voluntarily elect to enroll in the payroll deduction plan and return this Memo to EBD within two weeks of your return, a double deduction of the insurance premiums will occur until the debt is paid in full.

Please check the appropriate box above and sign Sections II and III to acknowledge this notification.

Section II: Acknowledgement

If, after ten (10) business days from when the Agency notified the employee of an overpayment, EBD has not received a letter of protest, a signed installment election form, the uncashed erroneous paycheck, or an employee's personal check or money order for the net amount of the overpayment, EBD will proceed with recovery via payroll deduction. Recovery in this circumstance will be made until the owed premium is fully satisfied.

Employee's Signature: _____ **Date:** _____

Original to Employee
Employee's File
EBD Copy

a

AM 205-4-2

m ***Notification of Employee Indebtedness
Health Insurance Premium
(Memo to the Employee)***

Section III: Installment Election Form

Employee's Name (Printed): _____

I authorize the City of Baltimore ("City") to deduct \$ _____ per pay period from my payroll check starting from next pay period. I understand and agree that I am responsible for satisfying the above amount. I understand and agree that any amount that is outstanding and due at this time during my leave without pay status will be deducted from my payroll check until it is paid in full.

Employee's Signature: _____ **Date:** _____

Agency Representative: _____ **Date:** _____

Night or Shift Differential**SCOPE**

This policy provides direction on night or shift differential rates of pay, hours of limitations for such pay, eligibility, pay calculation and affected City personnel. It further specifies the shift differential period. Current negotiated agreements should be consulted for applicability of this policy, rates and those City employees subject to it.

POLICY PROVISIONS

City employees assigned to regularly scheduled night or shift work that begins between 2:00 p.m. and 5 a.m. shall be paid thirty cents (30 cents) per hour above the established rate for each hour worked unless otherwise negotiated except when working such shifts as part of overtime appended to their regular shift, i.e., an employee not regularly assigned to the night shift but who works overtime hours into the night shift. Otherwise, the night differential rate shall be paid at the appropriate overtime rate. Certain employees not regularly assigned to the night shift but who work overtime hours into the night shift, e.g. CUB employees, et al, shall receive the night differential rate or the appropriate overtime rate for all overtime hours worked into the night shift in excess of 10 hours in a given bi-weekly payroll period. Shift differential will become part of an employee's base pay for paid leave purposes after he has been assigned to an eligible shift for 30 consecutive days.

EXCLUDED PERSONNEL

Night or shift differential does not apply to watchmen, guards, other than City Jail Correctional Officers, members of the Fire Department and Police Department and other employees whose emergency assignments start or carry into this period.

SPECIAL CIRCUMSTANCES

Certain City employees shall have a period of fifteen (15) minutes appended to their regular work day for the personnel shift changeover. Consult appropriate negotiated agreements for affected employees.

HOURS LIMITATION

Employees shall not be required to work more than sixteen (16) consecutive hours without an eight (8) hour break except in the case of an emergency endangering life, health and/or safety. If an employee is required to work for more than sixteen (16) consecutive hours under such an emergency situation, the period shall not exceed twenty-four (24) consecutive hours.

m Separation and Payment at Termination**SCOPE**

This policy governs the termination of a City employee relative to separation date, payment of accumulated leave entitlement, if any, and use of accumulated leave prior to separation. Employees who are vested in a City retirement system at the time of termination may exercise their option to a deferred retirement or payment of accumulated contributions, if any, at the time of separation. Employees who are terminated without having completed their initial probationary period are not eligible to receive any accrued leave payment except for those FLSA non-exempt employees having compensatory leave balances.

TERMINATION

If an employee is to terminate City service in good standing, the employee must:

- Prepare a letter of resignation specifying the termination date and reason for resignation. The termination date shall be the last date that the employee will be recorded on the City payroll.
- Submit the letter of resignation to the employee's appointing officer plus 1 copy of the letter to the employee's immediate supervisor at least 5 work days prior to the termination date.
- Assist in completion of the required EMPLOYEE CLEARANCE CHECKLIST AND EXIT INTERVIEW.

An employee who fails to comply with the above requirements will be regarded as having left City service with prejudice.

SEPARATION DATE

If an employee terminates in good standing, the official date of separation will be the termination date specified in the letter of resignation. If an employee does not terminate in good standing, the official date of separation will be the last day that the employee was physically present for work.

USE OF LEAVE**1. VACATION AND PERSONAL LEAVE**

m ***Separation and Payment at Termination***

Employees may use accumulated vacation and personal leave prior to and including the date of separation. Use of such leave must be in compliance with the City's vacation leave policy and personal leave policy.

2. SICK LEAVE

Employees may use accumulated sick leave prior to and including the date of separation, provided that the employee presents satisfactory medical documentation for these days or the agency head verifies such usage. Use of such leave must also be in compliance with the City's sick leave policy.

3. COMPENSATORY LEAVE

Compensatory leave may not be used by an employee on the date of separation and/or the 4 work days immediately preceding the date of separation if the employee is FLSA Exempt. Non-exempt FLSA employees may use compensatory leave on the date of separation and 4 work days preceding the date of separation.

LEAVE PAYMENT

This section governs accumulated leave payments, as applicable, for vacation, personal leave, sick leave and compensatory leave.

1. VACATION AND PERSONAL LEAVE

Employees will normally receive full payment for all accumulated vacation and personal leave which is unused as of the date of separation.

2. SICK LEAVE

Conversion of Total Accumulation

Employees whose service is terminated under 1 of the conditions listed below will receive payment for sick days accumulated during their service and still unused as of the date of separation. This payment will be computed by the formula appropriate for the employee's authorized bargaining unit; e.g., "1 for 4," or "1 for 3," etc., and shall be deemed a full liquidation of any and all sick leave earned by the employee during the time of his employment.

- Retirement with pension benefits.

m Separation and Payment at Termination

- Termination of service without pension benefits after completion of 20 or more years of service.

Conversion of Annual Accumulation

Employees whose service is not terminated under 1 of the conditions specified in the previous paragraph and whose date of separation is between June 1 and November 30 will receive 1 day's pay for every 4 sick leave days accumulated during the current administrative sick leave year and still unused as of the date of separation. This payment shall be deemed a full liquidation of any and all sick leave earned by the employee during the current administrative sick leave year. It shall further be deemed a full liquidation of any and all sick leave earned during the time of employment if the employee meets 1 or both of the following conditions:

- The employee's service is terminated for a reason other than layoff.
- The employee is not reemployed within 29 calendar days of the date of separation.

If the employee is reemployed following a layoff or if he is reemployed within 29 calendar days of the date of separation, he will be credited with any unused sick leave which was not converted to cash at the time of separation.

3. COMPENSATORY LEAVE

Employees will not receive payment for any compensatory leave which is unused as of the date of separation unless they are FLSA non-exempt status employees, who will be paid for compensatory leave subject to the 240 hours ceiling.

PAYMENT EXCEPTIONS

Payment for all leave will be denied to employees whose service is terminated before the completion of their initial probationary period with the City; however FLSA non-exempt employees will be paid compensatory leave balances.

If an employee is in debt to the City, payment for leave will be withheld in an amount equal to the employee's indebtedness.

RETIREMENT SYSTEM

An employee should consult with the respective City Employees Retirement System, City Hall, Room 640, relative to their eligibility for retirement benefits either on termination or on a deferred basis. Employees who are not vested but who have made contributions to the retirement system are eligible for a return of their contribution upon separation.

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AM-205-7

m ***Separation and Payment at Termination***

RELATED POLICIES

AM-204-2	VACATION LEAVE
AM-204-4	PERSONAL LEAVE
AM-204-14	SICK LEAVE
AM-205-5	EMPLOYEE CLEARANCE ON TERMINATION
AM-205-5-1	EMPLOYEE CLEARANCE CHECKLIST
AM-205-7-2	EMPLOYEE EXIT INTERVIEW

m Rehiring in a Civil Service Class after Layoff**SCOPE**

This policy governs the rehiring of former City employees into active City service provided they:

- were laid off from a Civil Service class; and
- are rehired into a Civil Service class from a certification list; and
- are rehired within one (1) year from the date of employee layoff.

Specific aspects of their reemployment are detailed in this policy. For the purpose of layoff and reemployment, "organizational unit" is defined in AM-205-8, Employee Layoffs.

Note: This policy does not cover employees laid off from 1) non-Civil Service classes who return to City government either in Civil Service or non-Civil Service classes or 2) Civil Service classes who return to City government in non-Civil Service classes. If these employees are hired within one (1) year of the layoff, they may be covered under the Administrative Manual policy on Subsequent Employment, AM-213-1, Part II.

PROBATIONARY PERIOD

Persons rehired from a reemployment list into their former class and organizational unit will not be required to serve a probationary period. Persons rehired in a different class or organizational unit must serve a probationary period with leave usage the same as the initial probationary period.

PHYSICAL EXAMINATION

Prior to being rehired, a City pre-employment physical examination by the Division of Occupational Medicine, Department of Personnel, is required.

SALARY

An employee who is rehired within one (1) year of the date of layoff will:

- if rehired in the same class, receive the salary to which he/she would have been entitled if the layoff had not occurred.
- if rehired in a class which has a lower grade than the class at the time of layoff, be considered as having taken a voluntary demotion under the salary policy for demotions.

m Rehiring in a Civil Service Class after Layoff

- if rehired in a class which has a higher grade than the class at the time of layoff, be considered to have received a promotion under the salary policy for promotions.

PRIOR SERVICE CREDIT

For the purpose of calculating seniority, longevity, and vacation leave, rehired persons will be credited with that period of unbroken service earned by them at the time of their layoff.

For the purpose of determining length of service in one (1) level of a salary grade, persons rehired within 12 months of being laid off will be credited with that period of service in the grade earned by them at the time of layoff.

The electronic payroll system requires adjustments to entry date, next level movement date, promotion date, etc., in order to ensure proper reporting of these items; subsequently, these dates will be changed for rehired employees so as to preclude the accrual of service credit during the period of time the employee was laid off. Entry tickets should have "REHIRE AFTER LAYOFF" written on the top. Agencies should submit with first day at work as effective date and Central Payroll will adjust accordingly.

Example (Rehire within 1 year)

Employee hired 12/3/92

Next level movement date 8/4/96

Employee laid off 6/30/96

Employee re-hired 6/29/97

Central Payroll Division staff will adjust the Entry Date from 12/3/92 to 12/2/93 and next level movement date to 8/3/97

SICK LEAVE ENTITLEMENT

Eligible rehired employees will be credited with 100% of sick leave which was not converted to cash at the time of layoff.

EXAMPLES OF SICK LEAVE ENTITLEMENT

m Rehiring in a Civil Service Class after Layoff

The following examples are provided to assist in understanding and implementation of any sick leave entitlement.

A) 20 OR MORE YEARS OF SERVICE AT THE TIME OF LAYOFF AND SEPARATED WITHOUT PENSION BENEFITS

An employee who was laid off for 1 year or less without a pension benefit, and who had 20 years of City service, is rehired. At the time of layoff, the employee had accumulated 102 unused sick leave days. Using the conversion formula of 1 day's pay for every 3 unused sick leave days, the employee received 34 day's pay, i.e., 102 unused sick leave days divided by 3 = 34 day's pay. The conversion formula varies according to the employee's certified bargaining unit, e.g., MAPS employees convert at 1 for 3, CUB employees at 1 for 4, etc.

When reinstated the employee receives 68 days of sick leave which was not converted to cash.

B) LESS THAN 20 YEARS OF SERVICE AT THE TIME OF LAYOFF LAYOFF BETWEEN JUNE 1 AND NOVEMBER 30

An employee who was laid off in August and who had 19 years of City service, is rehired the following May. At the time of layoff, the employee had accumulated 93 unused sick leave days, 84 of which had been earned prior to the then current administrative sick leave year (sick leave conversion - the last payroll of the previous November). The employee lost 84 days because he/she did not have 20 years of service. Those 84 days, will be restored to the employee's sick leave record upon reinstatement. The 9 sick leave days which the employee had accumulated during the then current administrative sick leave year were converted to cash at the time of layoff. Using the conversion formula of 1 day's pay for every 4 unused sick leave days accumulated, the employee received 2 days pay, i.e., 11 days unused sick leave days divided by 4 = 2 days pay with 1 day left over. The 1 day left over, which could not be converted to cash at the time of layoff and which was subsequently lost, will also be restored to his sick leave record. (Because this conversion, i.e., "less than 20 years service at the time of layoff" is a pro rata form of the annual sick leave conversion, the 1 for 4 formula remains the same irrespective of the employee's bargaining unit. Further, consistent with the annual sick leave conversion policy, payment is for whole days only and is capped at 3 days pay.)

LAYOFF BETWEEN DECEMBER 1 AND MAY 31

An employee who was laid off on December 31 and who had 19 years of City service, is rehired in October. At the time of lay off, the employee was not eligible to convert to cash any of the 75

m Rehiring in a Civil Service Class after Layoff

leave days which had accumulated. All 75 sick leave days will now be restored to the employee's sick leave record.

COMPENSATORY LEAVE ENTITLEMENT

FLSA - Nonexempt

A rehired person who at the time of layoff was nonexempt under FLSA and received payment in full for compensatory leave at separation can not repurchase the compensatory leave, i.e., "buy back" is prohibited.

FLSA -Exempt

Rehired persons, who were exempt under FLSA at the time of layoff, received no payout for accumulated compensatory leave. The compensatory leave balance will not be restored.

RELATED POLICIES

AM-204-30 DETERMINATION OF BENEFITS: PART I

AM-204-31 DETERMINATION OF BENEFITS: PART II

[AM-205-1](#) SALARY

[AM-205-8](#) EMPLOYEE LAYOFFS

AM-232-1-1 FILLING A PERMANENT POSITION BY HIRING OR TRANSFER

AM-236-1 PROBATIONARY PERIOD

[AM-290](#) SALARY SCHEDULES

Payroll Systems**SCOPE**

Establishing internal controls in administering City payroll systems is a requirement of each agency and bureau head. Important control features for City agencies to follow in providing reasonable protection against various payroll errors and fraud schemes include:

- Using a positive documented system to determine presence or absence of employees;
- Assigning competent and trained staff as well as trained alternates to payroll record keeping and reporting duties;
- Segregating duties;
- Conducting at random intervals unannounced changes in duties of individuals assigned payroll functions; and
- Establishing oversight and authorization responsibilities at appropriate levels.

Guidelines for meeting these control requirements are set forth.

TIME AND ATTENDANCE RECORDS

The PAYROLL ATTENDANCE REPORT (147-093) is the document which the Bureau of Payroll and Disbursements relies upon to pay employees. It is the vehicle for consolidating and reporting time and attendance information to the Bureau of Payroll and Disbursements. This document also has significant impact on the accounting and monitoring of expenditures, e.g., wages, salary, overtime, meal allowance, etc. At the agency/bureau level, this report must be completed from a documented record of presence, absence, overtime, compensatory time, holiday or authorized leave usage for each employee. It is not a sufficient basis for establishing the actual time and attendance of employees. However, internal agency records are compared at intervals with records in Central Payroll. Such records are subject to subpoena by the courts and other investigative entities.

Supervisors are responsible for assuring the accuracy of time and attendance information of individuals under their immediate supervision and should perform these duties diligently. When there are irregularities the supervisor and the subordinate involved in the irregularity will be held accountable.

POSITIVE TIME-KEEPING SYSTEMS

All agencies must install a positive time-keeping system for each payroll section under their supervision. A positive time-keeping system includes a contemporaneously maintained individual time record. Acceptable alternatives include a daily work crew report or a daily duty assignment roster maintained and reported by the foreman. Where time clocks are used, the

Payroll Systems

resulting time cards serve the same purpose. Daily sign-in, sign-out records are also acceptable reporting practices.

REPORTING PROCESS

Regardless of the time-keeping option used, the filled out form must be submitted through the immediate supervisor responsible for reporting individual or group location attendance. It is then forwarded to the agency payroll clerk as the basis for preparation of the PAYROLL ATTENDANCE REPORT.

The supervisor should take reasonable precautions to preclude the opportunity for the reporting individual or group to intercept and alter the information after supervisory approval and before it is received by the payroll clerk. When an individual or groups of individuals work at locations remote from on-going supervisory scrutiny, supervisors are responsible for making personal unscheduled spot checks of their presence and attention to duty. Random telephone contacts and on-site visits should be used to make these determinations.

PAYROLL ATTENDANCE REPORT

This report is prepared from the time and attendance records. Sources of information to be used include add and drop slips, overtime and compensatory time approvals, permission time approvals, out-of-title approvals, etc. The work of the payroll clerks should be periodically spot checked for accuracy by their immediate supervisor which can be accomplished by comparing markings and related information on the PAYROLL ATTENDANCE REPORT with the positive timekeeping records and/or other authorized documents. The PAYROLL ATTENDANCE REPORT should reflect the name of the payroll clerk who prepared it. Clerks are to sign in the space provided for the Auditor's use. Individuals assigned these payroll duties must receive training from the Bureau of Payroll and Disbursements.

APPROVAL AND REVIEW

The PAYROLL ATTENDANCE REPORT should be reviewed and approved by an individual who has reasonable knowledge of the attendance, absence, overtime, etc. of the reporting unit. Where there are alterations on the report to correct errors, each such alteration should be initialed by the approving official. Initialing is intended to preclude an individual from making unapproved alterations to the PAYROLL ATTENDANCE REPORT after the approving official has signed off and before the report is delivered to the Bureau of Payroll and Disbursements. The PAYROLL ATTENDANCE REPORT must be reviewed and signed by the approving official or in his absence, a designated alternate. Facsimile approval signatures to include stamps, imitations or proxy signatures are prohibited.

AUTHORIZATION AND SUBMISSION

The agency/bureau head must certify to the Bureau of Payroll and Disbursements, Attn: Chief, in a signed MEMORANDUM (28-1418-5007), all authorized signatures of the PAYROLL ATTENDANCE REPORT. The MEMO must contain a written sample of the signatory to include full name and initials. The designated signatory must see that the PAYROLL ATTENDANCE REPORT is submitted to the Central Payroll Division in accord with the pay period schedule for the administrative unit. It is expected that no changes will be made to the PAYROLL ATTENDANCE REPORT after submission.

ANTICIPATED TIME

It may be necessary to anticipate the probable attendance or absence of an employee on the last day of the pay period. An agency must, therefore, use documented records of actual attendance to compare with anticipated attendance before processing necessary adjustments to the payroll in a subsequent payroll period. In a sign-in sign-out, time clock, duty roster, or similar system this is accomplished by comparing actuals to estimates. In a contemporaneously maintained individual time sheets system, separate cumulative reports by the employee of actual to date and estimated for the remainder of the pay period can be used.

PAYCHECK DISTRIBUTION

Whether it is an individual payroll check or the pay stub of an employee on direct deposit, the payroll clerk should not be the individual directed to pick up or distribute it within the agency. Separation of duties between payroll preparation and paycheck distribution as well as prompt processing of the cut-off notice for separating employees are essential to minimizing the opportunity for fraud or error on the payroll.

Undeliverable paychecks or stubs must be brought to the attention of the immediate supervisor. Prompt return of paychecks or pay stubs to the Bureau of Payroll and Disbursements is required to preclude repetition on subsequent pay periods.

PAYROLL ABUSE

There are a number of schemes by which individuals or groups of individuals may seek to take advantage of the payroll system, including credit for hours not worked, increasing pay entitlement, or creating "ghost" employees. Supervisors need to be alert for indications of such situations. In instances where outside assistance may be needed to address such concerns, the Department of Audits should be contacted. When an agency head becomes aware of any irregularities, he must report such situations immediately to the City Solicitor for

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AM-205-10

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Payroll Systems

recommendation as to appropriate action. A reporting mechanism available to all City employees is the City Fraud Hotline, 410-396-3589.

MINIMUM CURE

In all cases of payroll abuse, the minimum cure should be restitution and disciplinary action of the affected employee by the agency head. To be considered in such cases is whether neglect of supervisory responsibility created the opportunity for the abuse. If so, appropriate disciplinary action is to be considered for the supervisor.

RELATED POLICIES

AM-204-16 Authorized Change: Recorded Leave
AM-204-16-1 Completing Payroll Attendance Report
AM-205-7-1 Cut-Off Notice

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AM-205-11

m ***Effect of Daylight Savings & Standard Time
Changes on Employees' pay***

SCOPE

This policy determines pay for an employee whose work shift is affected by the shortening of actual hours worked or whose work shift is affected by the extension of actual hours worked because of observance of Daylight Savings Time or the return to Standard Time.

DAYLIGHT SAVINGS TIME

No city employee will lose pay due to a shortening of his actual hours of work caused by the changing of clocks for the observance of Daylight Savings Time.

STANDARD TIME

An employee whose actual hours of work are extended due to the changing of clocks for the return of Standard Time will be eligible for paid overtime or to accrue compensatory time as appropriate for all work performed in excess of the regular work shift.

PAYROLL MARKINGS

An employee affected by the shortening of actual hours worked should be recorded on the PAYROLL ATTENDANCE SHEET (147-019) with the appropriate marking which reflects a full work shift, i.e., “/” or the number of work hours, “7.3”.

An employee affected by the extension of actual hours worked should be recorded on the PAYROLL ATTENDANCE SHEET with the appropriate marking which reflects the amount of overtime worked or compensatory time to be accrued, i.e., “1.0” hours.

Sick Leave Conversion**SCOPE**

This policy details employee eligibility for sick leave conversion and payment at the end of each sick leave year. The sick leave year begins on the day immediately following the last payroll period in November and extends through the last payroll period in November of the following year. An employee may convert to cash all or none of the days to which he is entitled. Conversion of only some of the days to which an employee is entitled as well as conversion of partial days is not authorized.

ELIGIBILITY

When a sick leave day is used by an employee, the most recently accrued sick leave day is subtracted from the employee's leave balance. An employee's current sick leave year accumulation is therefore always affected whenever the employee uses sick leave.

All permanent employees whether full-time or permanent part-time are eligible for sick leave conversion at the end of each sick leave year, provided: 1) the employee's sick leave is controlled through the computerized system such that sick leave balance is printed on their check stub; and 2) they have a minimum balance of 4 unused sick leave days which were accumulated during the preceding 12 months.

CONVERSION FACTOR

For every 4 days of sick leave accumulated during the designated sick leave year, a permanent employee is eligible to convert 1 day to cash thereby retaining 3 days in his sick leave account balance. The maximum number of days which can be converted is 3 days.

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AM-205-12

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Sick Leave Conversion

Accumulated and Unused Sick Leave Days During <u>Sick Leave Year</u>	<u>Eligible Days for Conversion</u>	Number of Days Retained in sick <u>Leave Account</u>
12	3	9
8 through 11	2	6 through 9
4 through 7	1	3 through 6
Less than 4	0	0 through 3

PAYMENT

Payment for sick leave conversion will not be included in the employee's regular salary check, but will be issued in a separate check. Direct deposit of sick leave conversion monies is NOT AVAILABLE. Checks for such payment must be issued no later than December 24 of each year. Payments will be subject to Federal and State withholding taxes and Social Security.

CONVERSION AT TERMINATION

Upon termination of employment employees may, under certain conditions, be paid for a portion of their unused sick leave.

RELATED POLICIES

205-7 TERMINATION OF EMPLOYMENT

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AM-205-12-1

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Sick Leave Conversion

RESPONSIBILITY

ACTION

Central Payroll Division

1. At the end of each sick leave year, forward Sick Leave Conversion Roster to each agency.

Agency Payroll Clerk

2. Complete the roster according to the instructions printed on it.

3. Submit the original of the Roster to Central Payroll Division before December 5. Rosters received after December 5 will not be processed for payment until after Christmas.

4. Retain copy of the Sick Leave Conversion Roster for files.

Central Payroll Division

5. Process roster and issue checks to agency no later than December 24.

Meal Allowance

SCOPE

A meal allowance in accordance with applicable labor agreements between the City of Baltimore and City employees as determined by designated Representation Code, shall be granted if the City employee is required to work 3 or more hours either before or after the regularly scheduled full-time work shift. In addition, employees designated by Representation Code 6 or 9 and who are required to work on an official City holiday or a regularly scheduled day-off will be paid the appropriate meal allowance when 3 or more overtime hours have been completed. Payment of the meal allowance is subject to reasonable costs and original meal receipt(s) as outlined in this policy.

PAYMENT

Petty cash may not be used for reimbursement to an employee for meal allowance. Employees receiving benefits of the following units:

- I – AFSCME, Local 44
- U – City Union of Baltimore
- M – Unrepresented (designated benefits – Salary Schedule B)
- 4 – CMEA
- 5 – AFSCME, Local 55B
- 7 – Unrepresented (designated benefits – Salary Schedule A)

will be paid \$4.00 for each approved request for meal allowance. Payments will be effectuated through the payroll upon posting of the appropriate dollar figure in the “Dollar Adjustment to Net” block and the “Account Numbers other than Normal” block is completed using object/sub-object 2-11. The “Remarks” must include the explanation if meal allowance is posted, i.e., \$00. adj: to net account number xxxx-xxx-xx-xxx-211, and no overtime or compensatory leave hours are posted. Meal allowance payment appears on the employee’s paycheck as an “adjustment to net.”

Employees receiving the benefits of the following units:

- 6 – Managerial and Professional Society
- 9 – Unrepresented (Managerial and Professional Society)

will be reimbursed for reasonable meal costs for each eligible period as specified in this policy. Alcoholic beverages will not be reimbursed as part of the meal cost, e.g., beer, wine, liquor. An original receipt(s) is necessary to obtain payment of meal allowance. Such receipt(s) must be for

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AM-205-16

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Meal Allowance

a meal, i.e., not for groceries, luncheon meats, seafood, etc., which may or may not be consumed off the work site.

EMPLOYEE EXPENSE REPORT

To receive meal allowance payment, employees designated by representation code 6 or 9 must submit an EMPLOYEES EXPENSE REPORT (28-1448-5060), with all receipts attached to the EMPLOYEES EXPENSE REPORT. The agency/bureau head must verify the employees eligibility for reimbursement in terms of hours worked on the day(s) meal expenses were incurred.

The Employee Expense Report and receipts must then be submitted to the Disbursements Division, Room 700, 401 E. Fayette St., Attn: Disbursements Supervisor. Reimbursement will be issued directly to the employee unless other arrangements are made with the Disbursements Division.

RELATED POLICIES

AM-205-2

OVERTIME AND CALL-BACK

AM-240-11

EMPLOYEE EXPENSE REPORT

m ***Managerial and Professional Society Salary Policy***

I. PURPOSE

The purpose of this policy is to establish, maintain and administer a comprehensive compensation plan for all employees of the Mayor and City Council of Baltimore (“City”) in the Civil and Non-Civil classifications of the Managerial and Professional Society of Baltimore, Inc. (“MAPS”). All salaries for MAPS classifications shall be administered in compliance with this policy.

II. DEFINITIONS

For purposes of this policy the following definitions will apply:

Agency – Any Department, Office, Board, Commission or other entity of the Mayor and City Council of Baltimore having the authority to appoint employees whose salaries are administered by the Baltimore City Department of Human Resources (“DHR”).

Base Pay – An employee’s salary, which may be reported as an hourly wage, weekly, semi-monthly, monthly or annual salary, excluding shift differentials, temporary pay, benefits, overtime, or other similar non-base pay compensation.

Certification - A specialized course of study resulting in the receipt of a certification from a nationally recognized and accredited entity for a particular profession.

Classification Salary Adjustment – The movement of a classification to a different salary range due to changes in the labor supply, market conditions or due to a change in the duties and responsibilities associated with the classification.

Competitive Salary Offer – A counter offer to a higher salary offered by an organization outside of the City or another City agency to an employee deemed critical to the agency’s mission and operations.

Demotion (Voluntary) – An employee initiated movement to a different classification in a lower salary range.

Demotion (Involuntary) – A management initiated movement of an employee to a different classification with a lower salary range for disciplinary or performance reasons.

Duties and Responsibilities - The primary and essential task assigned to a particular position or classification.

m ***Managerial and Professional Society Salary Policy***

In-Range Adjustment (“IRA”) – An increase to an employee’s base pay on the basis of changes in duties and responsibilities, professional/skill development, or internal salary alignment.

Internal Salary Alignment – An increase to an employee’s base pay based upon a comparison to the base pay of other employees within the agency who have comparable levels of training and experience, duties and responsibilities, similar performance and competencies, and/or knowledge and skills.

Lateral Transfer – The movement of an employee to a different position in the same classification or salary range.

License – A credential that is required by law to perform the duties of the position or classification.

Managerial and Professional Society of Baltimore, Inc. (“MAPS”) – The representative organization for professional and supervisory employees of the City of Baltimore.

MAPS Performance Management Program – A program designed to improve organizational effectiveness by setting performance objectives, providing guidance and feedback, encouraging opportunities for professional development, and rewarding achievement.

Market Availability – The availability of suitable, qualified candidates in the general labor market that is subject to the changes in supply and demand.

Position Reclassification – A movement of a position to a different classification in a higher, (Upward Classification Change), lower (Downward Classification Change), or the same (Lateral Classification Change) salary range.

Performance – A measure of an employee’s work accomplishments, outcomes and behavioral inter-actions assessed as part of the MAPS Performance Management Program.

Promotion – The advancement of an employee to a different classification with a higher maximum salary range through either reclassification of the employee’s existing position or appointment of the employee to another position.

Salary Administration - The guidelines for establishing and changing compensation including Starting Pay, Promotion, Transfer, Demotion, Classification Change, In-Range Adjustment, Disciplinary Action, Performance-Related Salary Actions, and Competitive Offers.

Salary Grade - The three (3) digit number in the City’s Human Resources Information System (HRIS) that is used to designate a specific salary range in the City’s Salary Administration Plan for MAPS employees.

m **Managerial and Professional Society Salary Policy**

Salary Range- The minimum, mid-point, and maximum salary assigned to a classification for purposes of recruitment, and compensation administration.

III. SALARY ADMINISTRATION

All MAPS positions shall be assigned to a Civil Service or Non-Civil Service classification with a specified salary range. The salary range represents the minimum, mid-point, and maximum pay for the classification. MAPS employees shall not be paid less than the minimum or more than the maximum of the assigned salary range for the classification.

All salary decisions must be documented, and kept in the employee’s personnel file throughout the employee’s term of employment with the City and in accordance with applicable laws after the employee’s separation from City services.

A. Initial Appointment

Upon initial appointment, an employee shall be paid at least the minimum salary of the salary range to which the employee has been appointed. An Agency may negotiate a starting base pay up to the mid-point of the assigned salary range. An Agency shall not offer a candidate a starting base pay that exceeds the mid-point of the assigned salary range.

B. Promotion

When an employee is moved to a position in a different classification that has a higher maximum salary range, the employee’s base pay shall be increased to either the minimum of the new salary range, or ten percent (10%) above the employee’s current base pay, whichever is greater, not to exceed the maximum of the salary range for the new classification.

C. Demotion

An employee may be demoted either voluntarily or involuntarily.

1. Voluntary

An employee who voluntarily moves to a position in a classification with a lower maximum salary shall retain their base pay unless their base pay exceeds the maximum salary of the lower classification. In cases where the employee’s base pay exceeds the maximum salary range for the lower classification the employee’s base pay shall be reduced to the maximum salary of the lower classification.

2. Involuntary

An employee may be demoted involuntarily for poor performance or disciplinary reasons. The involuntary demotion may result in an employee moving to a position in a classification with a lower maximum salary or to a position in a classification with the same maximum salary. The employees’ base pay shall be reduced by a minimum of five percent (5%) unless the employee’s reduced salary exceeds the maximum salary for the classification. In cases where the employees’ reduced base pay exceeds the maximum

m *Managerial and Professional Society Salary Policy*

salary of the employee’s classification the salary shall be reduced to the maximum salary of the lower classification.

D. Lateral Transfer

An employee who transfers to a different position with the same salary range may negotiate the base pay for the new position up to ten percent (10%) above the employee’s current base pay, not to exceed the maximum salary of the salary range for the classification.

E. In-Range Adjustment

An Agency may initiate an In-Range Adjustment to resolve specific salary issues or provide potential salary growth and career progression within a salary range. An In-Range Adjustment shall not exceed an increase of five percent (5%) of the employee’s base pay. An employee may receive more than one In-Range Adjustment in a fiscal year provided that the total of all In-Range Adjustments does not exceed five percent (5%) during the fiscal year. An employee shall be ineligible for an In-Range Adjustment if the employee’s base pay is at the maximum of the salary range.

1. Permanent Change In Duties

An increase in base pay may be granted to an employee who assumes new higher-level duties and responsibilities on a permanent basis that are critical to the operations of an agency.

2. Internal Alignment

An increase in base pay may be granted to align an employee's salary with those of other employees' within the same agency who have comparable levels of training and experience, similar duties and responsibilities, performance, competencies and/or knowledge and skills.

3. Professional/Skill Development

An employee may receive an increase in base pay for completing a course of study directly related to the duties and responsibilities of the employee’s position.

All In-Range Adjustments are discretionary actions, based upon the availability of funds and the prior approval of the Director of DHR.

F. Performance Based Salary Increases

An Agency may propose a base pay increase for employees performing at or above the satisfactory level as defined in the MAPS Performance Management Program and Policy. Performance based increases shall not cause an employee’s base pay to exceed the maximum salary of the employee’s current salary range.

All performance based increases are discretionary, based upon the availability of funds and require the prior approval of the Director of DHR.

m ***Managerial and Professional Society Salary Policy***

G. Competitive Offer

An Agency may provide a salary adjustment to an employee who is deemed critical to the agency's mission and on-going operations when the employee receives a job offer from another City agency (Internal Competitive Salary Offer), or from outside of City government (External Competitive Salary Offer). A competitive offer may not occur within an agency. When providing competitive salary adjustments, agencies must comply with the following guidelines:

- Obtain a copy of the written offer for verification
- Assess the need to retain the employee, the impact on agency operations if the employee separates and the difficulty in recruiting to replace the employee
- Request approval from the Director of Human Resources prior to extending a competitive salary offer

1. Internal Competitive Salary Offer

When an employee receives a higher salary offer from another City agency, there can be only one counter-offer from the employee's current agency.

- The amount of the counter-offer may not exceed the amount of the job offer from the other agency.
- The other City agency may not make a second offer in response to the current agency's counter-offer.

2. External Competitive Salary Offer

When an employee receives a salary offer from an organization external to the City, the employing agency may make a counter-offer, not to exceed the amount of the job offer, or a 10% increase over the employee's current base pay, whichever is less, not to exceed the maximum salary of the assigned salary range.

All competitive salary offers are discretionary, subject to the availability of funds and require the prior approval of the Director of DHR.

H. Temporary Assignment

An employee may be temporarily assigned additional duties and responsibilities as a result of agency needs or a special project. The Agency shall obtain approval from the Director of Human Resources, prior to an employee beginning a temporary assignment, by submitting a request for study of the additional duties and responsibilities. Employees approved for temporary assignment shall receive five percent (5%) of the employee's base pay as additional compensation for the term of the temporary assignment only. Temporary assignments are limited to an initial four month period with an option for the agency to extend for two additional four month periods, not to exceed one year.

m ***Managerial and Professional Society Salary Policy***

I. Position Reclassification

A position may be changed to a different classification in a higher, lower or the same salary range due to a change in the duties and responsibilities of the position or as a result of a classification study. A position reclassification does not result in a change in position number.

1. Upward Classification Change

The employee’s classification and base pay remain unchanged, until a Promotion is processed in accordance with the provisions of Section III(B).

2. Downward Classification Change

An employee whose position has been reclassified to a lower salary range will have their base pay adjusted according to the City’s Downgrading Policy, AM 230-5.

3. Lateral Classification Change

The employee’s base pay shall not be changed when a position is changed to a different classification in the same salary range.

J. Classification Salary Adjustment

Agencies may submit a request to the Director of Human Resources for the movement of a classification to a different salary range or DHR may initiate a study that results in the movement of a classification to a different salary range. When the salary range for a classification is changed, the employee’s base pay remains unchanged provided the employee’s current base pay is within the new salary range.

When a classification is moved to a higher salary range and the employee’s current base pay is below the minimum salary of the new range, the employee’s base pay will be adjusted to the minimum of the higher salary range.

When a classification is moved to a lower salary range and the employee’s current base pay is above the maximum salary of the new range, the employee’s base pay will be adjusted to the maximum salary of the lower salary range.

IV. RETURN TO CITY SERVICE

All former employees returning to City service in a MAPS classification will have their base pay established according to the Starting Pay provisions of this policy.

1. Military Leave

An employee returning to City service after time off for military service will have their base pay established according the provisions of AM 204-11.

m ***Managerial and Professional Society Salary Policy***

2. Layoff

A former employee rehired within one (1) year of the layoff will have their base pay established as follows:

- i. If the employee is rehired into the same classification, the employee’s base pay will be the same as the base pay the employee would have been entitled to if the layoff had not occurred.
- ii. If the employee is rehired in a classification with a lower salary range than the classification the employee held at the time of the layoff, the employee’s base pay will be the same as in 2(i), unless the base pay is above the maximum of the lower salary range. When the employee’s base pay exceeds the maximum of the lower salary range, the employee’s base pay shall be reduced to the maximum salary of the range.
- iii. If the employee is rehired into a classification with a higher salary range than the classification the employee held at the time of the layoff, the employee’s base pay will be the same as in 2(i), unless the base pay is below the minimum of the higher salary range. When the employee’s base pay is lower the minimum of the lower salary range, the employee’s base pay shall be increased to the minimum salary of the range.

3. Reinstatement

A former employee reinstated to a position in the same classification within one (1) year of the employee’s voluntary resignation will receive the same base pay the employee was receiving at the time of their resignation. Former employees must meet all criteria for reinstatement as set forth in AM 213-1, Part I.

4. Subsequent Employment

A former employee obtaining subsequent employment with the City in a different classification within one (1) year of the employee’s voluntary resignation will have their base pay established in accordance with the Initial Appointment provisions of this policy.

V. EXCEPTIONS

The Director of Human Resources has the authority to grant an exception to any provisions of this policy. To request an exception, the agency shall complete and submit MAPS Salary Policy Exception Form (AM 205-20-1) providing all necessary information including a detailed justification of the need for the exception. All exceptions are within the sole discretion of the Director of Human Resources and subject to the availability of funds.

VI. AUTHORITY

The Department of Human Resources issues this policy pursuant to the authority provided in the City Charter, Articles VI and VII, and the approval of the City’s Board of Estimates.

m **Managerial and Professional Society Salary Policy**

VII. INTERPRETATION

The Director of Human Resources is responsible for the official interpretation of this policy.

The Department of Human Resources reserves the right to revise or eliminate this policy at any time, with the approval of the City’s Board of Estimates.

RELATED POLICIES

AM 200-5	Hiring, Transfers, and Promotions
AM 204-11	Military Leave
AM 204-30	Determination of Benefits, Part 1
AM 204-31	Determination of Benefits, Part II
AM 205-8	Employee Layoff Procedures
AM 205-9	Rehiring in a Civil Service Class after Layoff
AM 213-1 Part 1	Reinstatement
AM 213-1 Part II	Subsequent Employment after Voluntary Separation
AM 213-1-1	Reinstatement/Subsequent Employment Record
AM 230-4	Reclassification of Positions
AM 230-5	Downgrading
AM 235-1	Promotions
AM 290-07, 1-3	MAPS Graded and Flat Salary Scale

m ***Managerial and Professional Society Salary Policy***

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Duties and Responsibilities - The primary and essential task assigned to a particular position or classification.

m ***Managerial and Professional Society Salary Policy***

In-Range Adjustment (“IRA”) – An increase to an employee’s base pay on the basis of changes in duties and responsibilities, professional/skill development, or internal salary alignment.

Internal Salary Alignment – An increase to an employee’s base pay based upon a comparison to the base pay of other employees within the agency who have comparable levels of training and experience, duties and responsibilities, similar performance and competencies, and/or knowledge and skills.

Lateral Transfer – The movement of an employee to a different position in the same classification or salary range.

License – A credential that is required by law to perform the duties of the position or classification.

Managerial and Professional Society of Baltimore, Inc. (“MAPS”) – The representative organization for professional and supervisory employees of the City of Baltimore.

MAPS Performance Management Program – A program designed to improve organizational effectiveness by setting performance objectives, providing guidance and feedback, encouraging opportunities for professional development, and rewarding achievement.

Market Availability – The availability of suitable, qualified candidates in the general labor market that is subject to the changes in supply and demand.

Position Reclassification – A movement of a position to a different classification in a higher, (Upward Classification Change), lower (Downward Classification Change), or the same (Lateral Classification Change) salary range.

Performance – A measure of an employee’s work accomplishments, outcomes and behavioral inter-actions assessed as part of the MAPS Performance Management Program.

Promotion – The advancement of an employee to a different classification with a higher maximum salary range through either reclassification of the employee’s existing position or appointment of the employee to another position.

Salary Administration - The guidelines for establishing and changing compensation including Starting Pay, Promotion, Transfer, Demotion, Classification Change, In-Range Adjustment, Disciplinary Action, Performance-Related Salary Actions, and Competitive Offers.

Salary Grade - The three (3) digit number in the City’s Human Resources Information System (HRIS) that is used to designate a specific salary range in the City’s Salary Administration Plan for MAPS employees.

m **Managerial and Professional Society Salary Policy**

Salary Range- The minimum, mid-point, and maximum salary assigned to a classification for purposes of recruitment, and compensation administration.

III. SALARY ADMINISTRATION

All MAPS positions shall be assigned to a Civil Service or Non-Civil Service classification with a specified salary range. The salary range represents the minimum, mid-point, and maximum pay for the classification. MAPS employees shall not be paid less than the minimum or more than the maximum of the assigned salary range for the classification.

All salary decisions must be documented, and kept in the employee’s personnel file throughout the employee’s term of employment with the City and in accordance with applicable laws after the employee’s separation from City services.

A. Initial Appointment

Upon initial appointment, an employee shall be paid at least the minimum salary of the salary range to which the employee has been appointed. An Agency may negotiate a starting base pay up to the mid-point of the assigned salary range. An Agency shall not offer a candidate a starting base pay that exceeds the mid-point of the assigned salary range.

B. Promotion

When an employee is moved to a position in a different classification that has a higher maximum salary range, the employee’s base pay shall be increased to either the minimum of the new salary range, or ten percent (10%) above the employee’s current base pay, whichever is greater, not to exceed the maximum of the salary range for the new classification.

C. Demotion

An employee may be demoted either voluntarily or involuntarily.

1. Voluntary

An employee who voluntarily moves to a position in a classification with a lower maximum salary shall retain their base pay unless their base pay exceeds the maximum salary of the lower classification. In cases where the employee’s base pay exceeds the maximum salary range for the lower classification the employee’s base pay shall be reduced to the maximum salary of the lower classification.

2. Involuntary

An employee may be demoted involuntarily for poor performance or disciplinary reasons. The involuntary demotion may result in an employee moving to a position in a classification with a lower maximum salary or to a position in a classification with the same maximum salary. The employees’ base pay shall be reduced by a minimum of five percent (5%) unless the employee’s reduced salary exceeds the maximum salary for the classification. In cases where the employees’ reduced base pay exceeds the maximum

m **Managerial and Professional Society Salary Policy**

salary of the employee’s classification the salary shall be reduced to the maximum salary of the lower classification.

D. Lateral Transfer

An employee who transfers to a different position with the same salary range may negotiate the base pay for the new position up to ten percent (10%) above the employee’s current base pay, not to exceed the maximum salary of the salary range for the classification.

E. In-Range Adjustment

An Agency may initiate an In-Range Adjustment to resolve specific salary issues or provide potential salary growth and career progression within a salary range. An In-Range Adjustment shall not exceed an increase of five percent (5%) of the employee’s base pay. An employee may receive more than one In-Range Adjustment in a fiscal year provided that the total of all In-Range Adjustments does not exceed five percent (5%) during the fiscal year. An employee shall be ineligible for an In-Range Adjustment if the employee’s base pay is at the maximum of the salary range.

1. Permanent Change In Duties

An increase in base pay may be granted to an employee who assumes new higher-level duties and responsibilities on a permanent basis that are critical to the operations of an agency.

2. Internal Alignment

An increase in base pay may be granted to align an employee's salary with those of other employees' within the same agency who have comparable levels of training and experience, similar duties and responsibilities, performance, competencies and/or knowledge and skills.

3. Professional/Skill Development

An employee may receive an increase in base pay for completing a course of study directly related to the duties and responsibilities of the employee’s position.

All In-Range Adjustments are discretionary actions, based upon the availability of funds and the prior approval of the Director of DHR.

F. Performance Based Salary Increases

An Agency may propose a base pay increase for employees performing at or above the satisfactory level as defined in the MAPS Performance Management Program and Policy. Performance based increases shall not cause an employee’s base pay to exceed the maximum salary of the employee’s current salary range.

All performance based increases are discretionary, based upon the availability of funds and require the prior approval of the Director of DHR.

m ***Managerial and Professional Society Salary Policy***

G. Competitive Offer

An Agency may provide a salary adjustment to an employee who is deemed critical to the agency's mission and on-going operations when the employee receives a job offer from another City agency (Internal Competitive Salary Offer), or from outside of City government (External Competitive Salary Offer). A competitive offer may not occur within an agency. When providing competitive salary adjustments, agencies must comply with the following guidelines:

- Obtain a copy of the written offer for verification
- Assess the need to retain the employee, the impact on agency operations if the employee separates and the difficulty in recruiting to replace the employee
- Request approval from the Director of Human Resources prior to extending a competitive salary offer

1. Internal Competitive Salary Offer

When an employee receives a higher salary offer from another City agency, there can be only one counter-offer from the employee's current agency.

- The amount of the counter-offer may not exceed the amount of the job offer from the other agency.
- The other City agency may not make a second offer in response to the current agency's counter-offer.

2. External Competitive Salary Offer

When an employee receives a salary offer from an organization external to the City, the employing agency may make a counter-offer, not to exceed the amount of the job offer, or a 10% increase over the employee's current base pay, whichever is less, not to exceed the maximum salary of the assigned salary range.

All competitive salary offers are discretionary, subject to the availability of funds and require the prior approval of the Director of DHR.

H. Temporary Assignment

An employee may be temporarily assigned additional duties and responsibilities as a result of agency needs or a special project. The Agency shall obtain approval from the Director of Human Resources, prior to an employee beginning a temporary assignment, by submitting a request for study of the additional duties and responsibilities. Employees approved for temporary assignment shall receive five percent (5%) of the employee's base pay as additional compensation for the term of the temporary assignment only. Temporary assignments are limited to an initial four month period with an option for the agency to extend for two additional four month periods, not to exceed one year.

m ***Managerial and Professional Society Salary Policy***

I. Position Reclassification

A position may be changed to a different classification in a higher, lower or the same salary range due to a change in the duties and responsibilities of the position or as a result of a classification study. A position reclassification does not result in a change in position number.

1. Upward Classification Change

The employee’s classification and base pay remain unchanged, until a Promotion is processed in accordance with the provisions of Section III(B).

2. Downward Classification Change

An employee whose position has been reclassified to a lower salary range will have their base pay adjusted according to the City’s Downgrading Policy, AM 230-5.

3. Lateral Classification Change

The employee’s base pay shall not be changed when a position is changed to a different classification in the same salary range.

J. Classification Salary Adjustment

Agencies may submit a request to the Director of Human Resources for the movement of a classification to a different salary range or DHR may initiate a study that results in the movement of a classification to a different salary range. When the salary range for a classification is changed, the employee’s base pay remains unchanged provided the employee’s current base pay is within the new salary range.

When a classification is moved to a higher salary range and the employee’s current base pay is below the minimum salary of the new range, the employee’s base pay will be adjusted to the minimum of the higher salary range.

When a classification is moved to a lower salary range and the employee’s current base pay is above the maximum salary of the new range, the employee’s base pay will be adjusted to the maximum salary of the lower salary range.

IV. RETURN TO CITY SERVICE

All former employees returning to City service in a MAPS classification will have their base pay established according to the Starting Pay provisions of this policy.

1. Military Leave

An employee returning to City service after time off for military service will have their base pay established according the provisions of AM 204-11.

m ***Managerial and Professional Society Salary Policy***

2. Layoff

A former employee rehired within one (1) year of the layoff will have their base pay established as follows:

- i. If the employee is rehired into the same classification, the employee’s base pay will be the same as the base pay the employee would have been entitled to if the layoff had not occurred.
- ii. If the employee is rehired in a classification with a lower salary range than the classification the employee held at the time of the layoff, the employee’s base pay will be the same as in 2(i), unless the base pay is above the maximum of the lower salary range. When the employee’s base pay exceeds the maximum of the lower salary range, the employee’s base pay shall be reduced to the maximum salary of the range.
- iii. If the employee is rehired into a classification with a higher salary range than the classification the employee held at the time of the layoff, the employee’s base pay will be the same as in 2(i), unless the base pay is below the minimum of the higher salary range. When the employee’s base pay is lower the minimum of the lower salary range, the employee’s base pay shall be increased to the minimum salary of the range.

3. Reinstatement

A former employee reinstated to a position in the same classification within one (1) year of the employee’s voluntary resignation will receive the same base pay the employee was receiving at the time of their resignation. Former employees must meet all criteria for reinstatement as set forth in AM 213-1, Part I.

4. Subsequent Employment

A former employee obtaining subsequent employment with the City in a different classification within one (1) year of the employee’s voluntary resignation will have their base pay established in accordance with the Initial Appointment provisions of this policy.

V. EXCEPTIONS

The Director of Human Resources has the authority to grant an exception to any provisions of this policy. To request an exception, the agency shall complete and submit MAPS Salary Policy Exception Form (AM 205-20-1) providing all necessary information including a detailed justification of the need for the exception. All exceptions are within the sole discretion of the Director of Human Resources and subject to the availability of funds.

VI. AUTHORITY

The Department of Human Resources issues this policy pursuant to the authority provided in the City Charter, Articles VI and VII, and the approval of the City’s Board of Estimates.

m ***Managerial and Professional Society Salary Policy***

VII. INTERPRETATION

The Director of Human Resources is responsible for the official interpretation of this policy.

The Department of Human Resources reserves the right to revise or eliminate this policy at any time, with the approval of the City’s Board of Estimates.

RELATED POLICIES

- AM 200-5 Hiring, Transfers, and Promotions
- AM 204-11 Military Leave
- AM 204-30 Determination of Benefits, Part 1
- AM 204-31 Determination of Benefits, Part II
- AM 205-8 Employee Layoff Procedures
- AM 205-9 Rehiring in a Civil Service Class after Layoff
- AM 213-1 Part 1 Reinstatement
- AM 213-1 Part II Subsequent Employment after Voluntary Separation
- AM 213-1-1 Reinstatement/Subsequent Employment Record
- AM 230-4 Reclassification of Positions
- AM 230-5 Downgrading
- AM 235-1 Promotions
- AM 290-07, 1-3 MAPS Graded and Flat Salary Scale

m ***Employee's Retirement System*****SCOPE**

The Employees' Retirement System (ERS) is a defined benefit plan that provides retirement, disability and death benefits for its members.

This summary is intended to describe the essential features of the Employees' Retirement System. Every effort has been made to make sure that the information contained in this summary is correct; however, in the case of any discrepancy, the provisions of the legal documents, policies and law (Article 22 of the Baltimore City Code) embodying the plan will govern.

MEMBERSHIP

Any person who is a regular and permanent employee of Baltimore City and who is employed in the general administrative service of the City is eligible for membership in the ERS.

EXCLUDED from the ERS are uniformed Fire Personnel and Police Officers, who become members of the Fire and Police Employees' Retirement System. Also excluded are elected officials who became members of the Elected Officials' Retirement System. Both the Fire and Police and Elected Officials' Systems are Baltimore City Retirement Systems. Baltimore City educational personnel, teachers and administrators become members of the Maryland State Retirement System.

ENROLLMENT

All eligible employees hired after July 1, 1979, become non-contributory Class C members of the Employees' Retirement System upon completion of one year of City employment. The employee will be notified by mail to visit the ERS to sign up for membership. The Retirement Systems office is open Monday through Friday, 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:30 p.m. for enrollment. If these hours are not convenient, the employee may set up an appointment by calling 443-984-3200.

To complete the enrollment process, the employee must furnish specific documents which will be returned to the employee at the conclusion of the interview.

1. The employee's birth certificate or birth registration notice or a certified photocopy of either,

AND WHERE APPLICABLE

2. A marriage license(s) or court order legally changing the employee's name, if the present name is different from the last name shown on the birth certificate,

m ***Employee's Retirement System***

3. A certified photocopy of military separation papers (DD214 or equivalent),
4. A list of any prior service in Baltimore City, Maryland State or any of its subdivisions, or other non-federal government employment in Maryland.

As a part of the enrollment process, the employee will complete a Beneficiary Designation Form for any and all pre-retirement death benefits that may be payable by the Retirement System. By completing this confidential form, the employee will make certain that the Retirement System provided pre-retirement death benefits will be distributed to the person or persons named as beneficiaries.

If the employee does not enroll voluntarily in the Retirement System, the employee will be enrolled automatically as required by law. However, if the employee should die in active service, the employee's heirs may be denied or may experience costly delays in receiving certain death benefits because the Retirement System did not have the required beneficiary designation form.

There is also a separate beneficiary designation form for the union death benefits which are paid by the Employee Benefits Division of the Department of Personnel. This form does not establish or change the Retirement System beneficiary designation.

MEMBERSHIP CLASS

As a member of the ERS, the employee is eligible for service retirement, disability retirement and death benefits under specific legislated circumstances.

The eligibility requirements and level of benefits depend upon the employee's membership class.

There are three classes of ERS members:

Class A

Employees who were hired before July 1, 1979, and entered membership on or after January 1, 1954, or who elected, prior to April 1, 1954, to contribute at the higher Class A member rate. Any Class B member may elect to become a Class A member by bringing his/her accumulated contributions and interest up to what they would be if the member had elected Class A membership on January 1, 1954.

Class B

Employees as of January 1, 1954, who did not elect Class A membership.

m ***Employee's Retirement System***

Class C

Employees, who were hired on or after July 1, 1979, or any Class A or B members who elected to transfer before June 30, 1991, to Class C.

MEMBER CONTRIBUTIONS

Class A and Class B members contribute at the rate of four (4) percent of earnable compensation to the ERS through payroll deduction. Contributions are not required upon attaining age 60 and completing 35 years of service.

Class C members do not contribute to the ERS.

MEMBERSHIP SERVICE CREDIT

Retirement System membership service credit is a major factor in determining the employee's eligibility for service retirement, disability retirement and death benefits. The employee's current membership service begins with the employee's most recent date of entry into the ERS. **THE EMPLOYEE'S MEMBERSHIP DOES NOT BEGIN WITH HIS/HER DATE OF EMPLOYMENT.**

For Example:

- For contributory Class A or B members hired before June 12, 1967, enrollment was mandatory six (6) months after the employee became a permanent City employee.
- For contributory Class A or B members hired after June 12, 1967, and before July 1, 1979, membership in the ERS was mandatory after two years of permanent employment. However, the employee had the option to join the ERS at any time prior to the two-year mandatory entry date.
- For non-contributory Class C members hired after June 30, 1979, membership in the ERS is automatic after one year of permanent employment. Employees hired after June 30, 1979 do not have the option to join the ERS before their first anniversary of employment.

Membership Service Credit can be made up of different types of service. The following is a summary of the types of service which can make up your total membership service credit. **Only the staff of the Employees' Retirement System can determine an employee's membership service credit.**

m Employee's Retirement System**Current Service**

Current service is accumulated starting with your entry date in the Retirement System. Entry date depends upon when your employment began and your membership class. For example, if you were hired before July 12, 1967, your membership in the ERS was mandatory after six (6) months of employment. If you were hired on or after July 12, 1967, and before July 1, 1979, your membership in the ERS was mandatory after two (2) years of employment. If you were hired after June 30, 1979, your membership was mandatory after one (1) year of employment.

Transferred Service

If you were a member of a Maryland State Retirement System and/or one of the Maryland County Systems and you transferred your employment to Baltimore City with no break in service, you can apply to transfer your prior service within one year of becoming a member of the ERS.

Purchased Service

Previous membership service: If you were a City employee and a member of the ERS prior to your current employment, you may be eligible to purchase your previous membership service.

Pre-Membership Employment: If you were not a member of the ERS when you first began working for the City, you can purchase regular and permanent City employment prior to entry in the ERS. For noncontributory Class C members, this would include the first year of employment.

Military Service

There are two types of military service for which you can receive membership service credit provided you are not receiving or will not receive benefits from any other retirement system because of your military service.

Military Service Prior to Employment

You may receive up to three (3) years of service credit if you were in the armed forces prior to employment with the City and provided certain eligibility requirements are met.

Classes A and B: Attain age 60 and acquire 10 or more years of service; or acquire 20 or more years of service,

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AM-206-1

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Employee's Retirement System

regardless of age.

Class C: Attain age 62 and acquire 10 or more years of

service; or acquire 20 or more years of service,

regardless of age.

Military Service Within Employment

You may receive up to five (5) years of service credit with proper documentation if you have a break in employment because of military duty (Example: Desert Storm). All within employment military service credit is subject to the provisions of the Veteran's Reemployment Rights Act of 1974 and the Uniformed Services Employment and Reemployment Rights Act of 1994.

SERVICE RETIREMENT BENEFIT

Upon termination from employment, a member is entitled to receive a service retirement benefit if the requirements for age and/or years of Retirement System membership service credit are met. The eligibility requirements depend on Membership Class:

Contributory Member - Classes A & B

Normal Retirement: Must have attained the age of 60 with a minimum of five (5) years of Retirement System membership service credit; or 30 years of Retirement System membership service credit, regardless of age.

Non-Contributory Member - Class C

Normal Retirement: Must have attained the age of 65 with a minimum of five (5) years of Retirement System membership service credit; or have 30 years of Retirement System membership service credit, regardless of age.

OR

Early Service Retirement: Must have attained age 55 with five (5) years or more years of Retirement System membership service credit, but less than 30 years of Retirement System membership service credit.

Reduced benefits if received prior to age 65.

m ***Employee's Retirement System***

Benefits reduced 6.7% for each year, if you retire between the ages of 60 and 65.

Benefits reduced 3.3% for each year, if you retire between the ages of 55 and 60.

LAYOFF / JOB ABOLISHMENT

If the employee loses his/her job through no fault of the employee's own (if the employee is laid off or the employee's job is abolished), the employee may be eligible for a retirement benefit. It depends upon the number of years of Retirement System service credit the employee has.

Regardless of the employee's membership class, if the employee loses his/her job through no fault of the employee's own and has 20 years of Retirement System membership service credit, the employee is vested and will collect an immediate retirement benefit.

Regardless of the employee's membership class, if the employee loses his/her job through no fault of the employee's own and has five (5) years of Retirement System membership service credit, the employee is vested and may collect a deferred vested retirement benefits as follows:

Contributory Member - Classes A and B

The employee can begin collecting a retirement benefit at age 60.

Non-Contributory Member - Class C

The employee can begin collecting a reduced benefit as early as age 55 with five (5) or more years of membership service or the employee can begin collecting unreduced retirement benefits at age 65.

DEFERRED VESTED RETIREMENT BENEFIT

If the employee leaves City employment before retirement age, the employee may be eligible for a Deferred Vested Retirement Benefit. A deferred vested benefit is a benefit that the employee will be eligible to receive at a later date. In other words, while the employee is not eligible for an immediate benefit when the employee leaves City employment, the employee will be eligible to receive a benefit in the future.

BEFORE LEAVING CITY EMPLOYMENT, THE EMPLOYEE SHOULD VISIT THE RETIREMENT SYSTEM OFFICE TO BE SURE THE EMPLOYEE HAS CREDIT FOR ALL HIS/HER EMPLOYMENT WITH THE CITY OR STATE.

m ***Employee's Retirement System***

The number of years of City service the employee needs to be eligible for a vested retirement benefit depends upon whether the employee is a contributory or non-contributory member.

Contributory Member-Classes A and B

As a contributory member, the employee needs 15 years of Retirement System membership service credit, and the employee must leave his/her contributions in the Retirement System. The employee can begin collecting his/her retirement benefit at age 60.

Non-contributory Member - Class C

As a non-contributory member, the employee needs 10 years of Retirement System membership service credit. The employee can begin collecting reduced retirement benefits as early as age 55. The employee can begin collecting unreduced retirement benefits at age 65.

PLEASE NOTE: Should the employee elect to defer receiving retirement benefits until age 65 and the former employee dies prior to receiving any benefit payments, no retirement benefits will be payable to the employee's beneficiary. The employee must begin receiving retirement benefits in order for the employee's beneficiary to be eligible for survivorship retirement benefits.

DISABILITY RETIREMENT BENEFITS

In the event that the employee becomes ill or disabled to the point that the employee cannot continue to work, the employee may be eligible for disability benefits.

If the employee has at least five (5) years of ERS membership service, the employee is eligible to apply for an ordinary, non-line of duty, disability benefit. If the employee is hurt on the job and is a member of the System, the employee is eligible to apply for an accidental, line of duty, disability benefit. The employee must file an application with the Retirement System, Room 640, City Hall. The employee's department cannot file this application for the employee.

The disability process can take approximately three (3) to six (6) months.

Because the disability process is long, it is very important that the employee file a disability application before the employee has used up all of the employee's paid leave. If the employee's leave time runs out before a disability application has been processed, the employee may temporarily lose his/her health and prescription coverage paid for by the City. The employee will, however, be eligible to personally pay for the continuance of the employee's health plan coverage until the employee begins receiving a disability benefit, if eligible.

Employee's Retirement System

When the employee files a Retirement System disability application, the employee should also contact the Employee Benefits Division of the Department of Personnel to make arrangements for continuing his/her health plan coverage until the employee begins receiving a disability benefit, if eligible.

If the employee files an application for a disability benefit and later is able to return to work, the employee can withdraw his/her disability application with no penalty.

Below are listed the steps in the disability application process:

1. Visit the Retirement System's office and file an application for disability. An employee must personally file this application.
2. File the employee's doctor's report (Retirement Systems' Form 25) of disability.
3. Retirement System gathers all medical and other pertinent records regarding the employee's disability.
4. Retirement System schedules the employee for a medical examination and evaluation of the employee's disability by a physician representing the City.
5. Retirement System schedules a hearing of the employee's claim before a hearing examiner. The hearings are adversarial proceedings. The employee may have an attorney represent him/her at this hearing.
6. Hearing Examiner renders a decision.

For example: If an employee has been hurt on the job, the hearing examiner must determine that the employee is incapacitated for the performance of duty as the result of an injury in the line of duty and that the disability is likely to be permanent. Or, if an employee has a non-line of duty illness or disability, the employee must have at least five years of Retirement System membership service and a hearing examiner must determine that the employee is non-line of duty illness or disability, the employee must have at least five years of Retirement System membership service and a hearing examiner must determine that the employee is incapacitated for the performance of duty and that disability is likely to be permanent.

7. Retirement System notifies the employee and his/her department of the decision of the hearing examiner.

m ***Employee's Retirement System***

8. If the hearing examiner denies the employee's claim, the employee is entitled to appeal the decision through the Circuit Court of Baltimore City. Likewise, if the City disagrees with the decision of the hearing examiner, the City may also appeal the decision through the Court. The appeal must be filed within 30 days after the employee receives the hearing examiner's decision.

9. If the hearing examiner finds the employee is eligible for disability benefits, the employee will be advised of the benefits payable under the various options that provide survivorship benefits. The employee must then select a benefit option so that the employee may be placed on the retirement payroll. (Disability payments may be reduced by any Workers' Compensation awards received).

Determinations of disability by the Workers' Compensation Commission or terminations of employment are completely separate from the Retirement System's disability process. The employee's eligibility for disability benefits from the Retirement System will be based solely on the evidence presented to the hearing examiner for the Retirement System.

DEATH BENEFITS

If the employee dies while an active employee of the City, the employee's beneficiary may be eligible for a death benefit.

The employee must have been a member of the Employees' Retirement System as of the date of the employee's death for at least one year for the employee's beneficiary to be eligible to receive a lump-sum payment equal to one-half (1/2) of the employee's annual salary.

If the employee is a Class A or Class B contributory member, the employee's beneficiary will also receive a refund of the employee's accumulated contributions and credited interest.

Or, if at the time of the employee's death, the employee was eligible (or would have been eligible within 90 days after death) for a normal service retirement, the employee's surviving spouse or parent, if eligible, may elect to receive a retirement allowance in-lieu of the lump-sum benefits mentioned above.

In the event of an accidental, job-related death, the employee's surviving spouse is eligible to receive a pension of 100% of the employee's current salary for life or until re-marriage, in which event the benefit continues to be paid until the employee's youngest child attains age 18 years (or 22 years if a full-time student). In the event there is no eligible spouse or eligible children, a dependent parent may be eligible to receive this accidental, job-related death benefit. The employee is covered by this accidental death benefit upon becoming a member of the Employees' Retirement System.

m ***Employee's Retirement System***

If due to the employee's death, or to a disability resulting in the employee's death, an award of compensation from the Workers' Compensation Commission is paid, the amount of such award will be deducted from any death benefit amounts paid by the Employees' Retirement System.

In order to collect any retirement benefits that may be payable, the employee's beneficiary must call the Retirement System at 443-984-3200 to set up an appointment with a benefits analyst.

The employee's beneficiary will be advised by a benefits analyst as to what specific documents are needed to process the employee's death claim. All of the required papers must be received by the Retirement System before the employee's death benefit can be processed.

The following outlines the circumstances under which particular documents are required by the Retirement System for processing death claims.

FOR EVERY DEATH CLAIM, a certified death certificate and the deceased's birth certificate or birth registration certificate or a certified photocopy of either are required.

IF THE SPOUSE IS THE BENEFICIARY, a marriage license and the spouse's birth certificate or birth registration certificate or a certified photocopy of either are also required.

IF A MINOR CHILD (UNDER 18 YEARS OF AGE) IS THE BENEFICIARY, the child's birth certificate or a certified photocopy and Guardianship of Property Papers are also required.

IF THERE IS NO NAMED BENEFICIARY OR IF THE BENEFICIARY IS DECEASED, either letters of administration or small estate papers are also required.

RETIREMENT PROCESS

Before an employee makes any retirement decisions, the employee should make an appointment with a retirements benefits analyst (1) to verify membership service credit; (2) to confirm retirement eligibility; and (3) to get an estimate of retirement benefits.

When an employee is ready to retire, the employee should notify his appointing officer of his intention in writing.

The employee must file an application for retirement with the Employees' Retirement System, not more than 90 days and not less than 30 days prior to the employee's intended date of retirement. During the application process, the member must choose either the maximum benefit or one of the optional forms of benefits. Also, the member must designate a beneficiary to receive continuing benefits, if applicable, upon the death of the retired member. For health care

m ***Employee's Retirement System***

benefits to continue to a retired employee's spouse, a biweekly benefit payment must be received by the spouse. Therefore, an employee may want to elect a retirement option that provides survivorship benefits to insure the availability of health care coverage. The following documents must be on file with the Retirement System for the retirement process to be completed.

1. Birth certificates or birth registration notice for the member and the member's spouse.
2. Marriage license(s) or certificates which documents name changes since birth for the member and spouse.
3. If not previously filed, military separation papers (form DD 214 or equivalent).
4. The employee's spouse's social security number and,
5. Birth certificates for all unmarried children, age 22 and younger.

For additional information, contact the Employees' Retirement System on 443-984-3200.

When retiring, the employee should also contact:

Employee Benefits Division of the Department of Personnel (410-396-5830) 30 to 40 days before retirement for information on continuance of the employee's health benefits. These benefits do not automatically transfer when the employee retires. The employee must sign up again for City health benefits.

Social Security at least 90 days before the employee's 62nd or 65th (or whatever other appropriate) birthday for information on benefit.

Central Payroll (410-396-3760) 30 to 45 days before retirement for assistance in determining final payroll check and payout for accumulated leave. Contact your agency personnel officer.

Municipal Employees Credit Union (410-752-8313) 30 days before retirement for information on continuing membership.

Deferred Compensation Program (877-223-2748 - Great West) at the Department of Personnel, at least four (4) years before retirement, whether or not the employee has been participating in the Deferred Compensation Program. Advice will be given which may help in future financial planning.

m *Employee's Retirement System*

RETIREMENT PLANNING

Even if the employee's plans are still indefinite, and retirement is a few years away, it would be worth the employee's while to take time to attend a Pre-Retirement Planning Seminar.

The sessions last two days and are given the third Tuesday and Wednesday of each month, except July and August, by the Commission on Aging and Retirement Education at 34 Market Place, Suite 300. Among the topics discussed are planning for a healthy retirement, using leisure time effectively, City retirement benefits, City health benefits, Social Security information, deferred compensation and legal considerations. The information presented will help to organize the employee's thinking about retirement. To register, call the Commission on Aging and Retirement Education at (410)-396-5780.

RELATED POLICIES

[AM-206-2](#) PRE-RETIREMENT SEMINAR

Religious Accommodation

The City of Baltimore (“City”) is committed to maintaining a work environment that accommodates the religious beliefs and practices of applicants and employees. To achieve this objective, the City provides guidance by way of this Policy to ensure compliance with Title VII of the Civil Rights Act of 1964.

I. PURPOSE

The purpose of this Policy is to promote an environment for individuals working for the City that is free from religious discrimination and to provide instructions on what to do if an employee is in need of a religious accommodation.

II. SCOPE

This Policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, temporary employees, probationary employees, seasonal employees, contractual employees, and applicants.

III. DEFINITIONS

A. Religious Discrimination: Religious discrimination involves treating an individual (whether it is an applicant or employee) unfavorably because of his or her bonafide religious beliefs.

Religious discrimination can also involve treating an individual differently because they are married to or associated with an individual of a particular religion. The law forbids discrimination regarding any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term of consideration of employment.

B. Religion (as defined by Title VII of the Civil Rights Act of 1964): Religion includes traditional, organized religions as well as religious beliefs that are new, uncommon, not part of a church sect, or only held by a small number of people.

IV. PROHIBITED CONDUCT

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee’s sincerely held religious beliefs or practices, unless the accommodation would pose an undue hardship (more than a minimal burden on the business).

V. ACCOMMODATIONS

Common requested religious accommodations may be:

- Adherence to a specific dress code;
- Schedule changes for holidays or prayer time;
- Requests to be excused from religious practices offered in the workplace;

Religious Accommodation

- Attendance at ritual ceremonies;
- Breaks for daily prayers at prescribed times;
- Requests from working on a Sabbath day;
- Job reassignments (where a lateral transfer is not available, an employer can offer a lower paying position if that position would enable the employee to abide by his or her religious beliefs). The decision is up to the requesting employee to accept or decline the offer; and
- Modifications to the workplace or policy practices.

VI. DETERMINING AN UNDUE HARDSHIP

- A. The determination of what constitutes an undue hardship is made on a case by case basis. Under Title VII, the “undue hardship” defense requires a showing that the proposed accommodation poses a “more than de minimis” cost or burden. However, a few common examples includes:
1. Violating a seniority system;
 2. Causing a lack of necessary staffing;
 3. Jeopardizing health or security;
 4. Costing the employer more than a minimal amount;
 5. Infringing on the rights of other employees;
 6. Requiring other employees to do more than their share of potentially hazardous or burdensome work;
 7. Decreasing workplace efficiency; and
 8. Violating a collective bargaining agreement.
- B. Even when an undue hardship exists, the Agency can take measures to alternatively accommodate the employee. If scheduling poses an undue hardship, the Agency should consider allowing employees to voluntarily substitute or switch shifts. An Agency may have to make an exception to its scheduling policies, procedures, or practices in order to grant the accommodation if doing so does not pose an undue hardship. The Director of DHR or designee and the employee’s Agency Head or designee must be involved in any decisions regarding this exception.
- C. Schedule changes that cause infrequent payment of overtime is not a qualification for undue hardship. If an Agency is unable to accommodate the requesting employee in their current position, they should consider offering a lateral transfer or demotion into a vacant position.

VII. STEPS FOR REQUESTING A RELIGIOUS ACCOMODATION

- A. The employee must make the Agency aware of the need for an accommodation based on a conflict between the individual’s belief or practice and their work duties or the application process. The initial request can be made orally and/or in writing to the immediate supervisor. The Agency HR Practitioner will assist the employee with completing *AM 207-3-1 Religious Accommodation Form (“AM 207-3-1”)*.

Religious Accommodation

- B.** Should the Agency HR Practitioner need more information, the Agency HR Practitioner and the employee will discuss the request and the options. The employee is obligated to explain the religious nature of the belief or practice at issue and cannot assume that the Agency will already understand. Requested accommodations may vary, so the employer must attempt to arrange the employee to allow an employee to meet their religious accommodations. An Agency may require an employee to use paid time off, such as accrued personal or vacation leave, to meet the requested accommodation.
- C.** An Agency may not refuse to accommodate an employee because it is based on an unfamiliar religious belief or practice. Additionally, an Agency must demonstrate how the requested accommodation qualifies as an undue hardship. The Agency must make a good-faith attempt to meet the employee's religious needs and job requirements if the specific request cannot be granted. The employee may not be unreasonable in demanding an accommodation. Although the employee must be clear when requesting their accommodation, they do not need to prove anything regarding their religious belief. However, the employee must cooperate with the Agency's efforts to determine whether a reasonable accommodation can be granted.
- D.** Upon a reasonable request of an employee, the Agency will give consideration to accommodating an employee's sincerely held religious belief, practice, or observance which conflicts with a work requirement, unless doing so would pose an undue hardship. Because the definition of religion is so broad and protects unfamiliar beliefs and practices, the Agency should assume that the employee's request for religious accommodation is based on a sincerely held belief. In order to consider a requested accommodation, the following steps must be followed:
- 1.** The employee initiates the request orally or in writing;
 - 2.** The employee must complete *AM 207-3-1*;
 - 3.** The supervisor will forward the form to the Agency's HR Practitioner;
 - 4.** The Agency HR Practitioner and supervisor will review the form with the employee.
 - a.** If the accommodation is not immediately apparent, the Agency HR Practitioner will discuss the request with the employee to determine what alternative accommodations might be effective, taking into consideration any additional factors or extenuating circumstances.
 - b.** When the accommodation cannot be promptly implemented, the Agency should consider alternative methods of accommodation on a temporary basis while a permanent accommodation is being explored. In this case, the employee should be informed, in writing, of the status of the employer's efforts to implement a solution.
 - 5.** The Agency HR Practitioner shall submit the completed request along with the Agency's recommendation to the Director of DHR or designee within five (5) business days of receipt of the request.
 - 6.** The employee shall be notified, in writing, of the decision of the proposed accommodation within five (5) business days of review by the Director of DHR or designee. The letter shall also be sent to the Agency HR Practitioner and immediate supervisor.

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AM 207-3

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Religious Accommodation

- E. Factors that are considered when a religious accommodation request is made include, but is not limited to, the nature of the accommodation, the duration of the request, alternative accommodations, the impact on the operation of the respective department within the Agency, and the ability of the individual to perform the essential functions of the position should the accommodation be granted.

VIII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

IX. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this policy at any time, with the approval of the City's Board of Estimates.

X. RELATED POLICIES

- AM 204-18 Equal Employment Opportunity
- AM 207-3-1 Religious Accommodation Form
- AM 207-3-2 Religious Accommodation – Sample Approval Letter
- AM 207-3-3 Religious Accommodation – Sample Denial Letter

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AM 207-3-1

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Religious Accommodation Form

Section I: Contact Information

Name: _____ Date: _____
Agency: _____
Address: _____
Email Address: _____ Phone Number: _____
Immediate Supervisor: _____ Phone Number: _____

Section II: Request Information

Identify your religious beliefs or practices (Religion includes traditional, organized religions as well as religious beliefs that are new, uncommon, not part of a church set, or only held by a small number of people). Please indicate your proposed religious accommodation request (i.e., frequency per day/week, facility accommodation, dress code, attendance/exclusion from ceremonies, schedule changes, job reassignment, etc.)

Section III: Accommodation Review Process

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AM 207-3-1

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Religious Accommodation Form

This request will be reviewed by your Agency Head or designee and Director of DHR or designee. You will be notified, in writing, of the decision regarding the request within 10 days of receipt of your submitted request.

Once your Agency has been made aware of your request for a religious accommodation, your Agency HR Practitioner must engage in an interactive process with you to help determine what accommodations might be appropriate. Your Agency does not have to provide the exact accommodation you are requesting but must have meaningful discussions with you about what will work and what is reasonable. Your Agency must make reasonable efforts to determine the appropriate accommodation for you by consulting with you and giving primary consideration to your preference. Your Agency may, however, select a less expensive alternative as long as it is appropriate and meets your needs.

Employee's Signature: _____ **Date:** _____

Agency HR Practitioner: _____ **Date:** _____

This request has been reviewed by [inset Agency Name] and is [approved/denied]

Section IV: Agency Recommendation

because:

Section V: DHR Recommendation

This request has been reviewed by DHR and is [approved/denied] because:

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AM 207-3-1

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Religious Accommodation Form

DHR INTERNAL USE ONLY:
Rec'd by: _____

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AM 207-3-2

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***Religious Accommodation:
Sample Approval Letter***

Certified Mail #

Date

Employee Name
Employee Address
City, State, Zip code

Dear Employee Name:

On insert date, you requested specify the religious accommodation request. At that time, you were provided with *AM 207-3-1 Religious Accommodation Request Form* to complete and submit to your Agency HR Practitioner on insert date.

Your request for a religious accommodation has been approved. Your religious accommodation is as follows: List specifics about the approved religious accommodation (i.e., completion of leave slips, location of prayer room, change of schedule, etc. or other relevant information). Please note that your accommodation will be reviewed on an annual basis or as operational needs mandate.

Sincerely,

Agency HR Practitioner

cc: DHR Director
Immediate Supervisor

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AM 207-3-3

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***Religious Accommodation:
Sample Denial Letter***

Certified Mail #

Date

Employee Name
Employee Address
City, State, Zip code

Dear Employee Name:

On insert date, you requested specify the religious accommodation request. At that time, you were provided with *AM 207-3-1 Religious Accommodation Request Form* to complete and submit to your Agency HR Practitioner on insert date.

On insert date you met with insert name of Agency HR Practitioner, Agency Head, and/or immediate supervisor to discuss alternative methods of accommodating your request, including: list all alternative accommodations presented to the employee. You indicated that the proposed alternative accommodations were unacceptable.

At this time, your request creates an undue hardship on the Agency because list possible issues: difficult to cover/fill on a temporary basis, limited financial resources available, the negative impact and disruption on the structure and function of the remaining workforce and therefore denied. Please note that you can make an additional modified request.

Sincerely,

Agency HR Practitioner

cc: DHR Director
Immediate Supervisor

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AM-208-1

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*Leave of Absence Without Pay
30 Calendar Days or Less
Overview*

SCOPE

All permanent full-time and permanent part-time employees who have completed their initial probationary period may request a leave of absence without pay. A leave of absence without pay may be granted if an employee has a valid reason for requesting leave time but does not have a sufficient amount of paid leave days available for use. A leave of absence for educational purposes may be granted only if the employee has at least 1 year of continuous service. Educational leave may not be requested more than once every 3 years. Granting of a leave of absence without pay depends on length of time requested, type of City service, i.e. Civil Service or Non-Civil Service, and the action of the appointing official relative to approval or disapproval.

LEAVE EXAMPLES

Listed below are examples of acceptable reasons for granting a leave of absence and the period for which such leave may be granted.

- Illness or disability of employee or a member of his immediate family – 1 year or less.
- Prenatal and postnatal disability, i.e., child care – 1 year or less.
- Educational purposes – 9 months or less.
- Appointment to a position in the non-Classified Service – 6 months or less.
- Election or appointment as president, vice president, etc. of a recognized City representation unit.



**Administrative
Manual
DETAIL PROCEDURE**

SECTION

Personnel

SUBJECT

REQUESTING LEAVE OF
ABSENCE WITHOUT PAY

SAMPLE FORM APPENDED TO PROCEDURE

RESPONSIBILITY

ACTION

- . **Employee**
 1. Complete "Part I" of REQUEST FOR LEAVE OF ABSENCE WITHOUT PAY (28-1418-5028). Forward form to appointing officer.
- . **Appointing Officer**
 2. Review request and note approval or disapproval by completing "Part II" of the request.
 - a.) If request disapproved, retain form in files. Inform employee of decision. Procedure ends here.
 - b.) If request approved and amount requested is 30 calendar days or less, retain form in files. Inform employee of decision. Proceed to Step 5.
 - c.) If request approved and amount requested is more than 30 calendar days, make 1 photocopy of form and retain in files.
 3. Have employee placed in an inactive payroll status by instructing payroll clerk to complete a CHANGE NOTICE (28-1618-5143 for Civil Service employees; 28-1428-5107 for non-Civil Service employees) [AM-205-4-5] with the following special entries:
 - . Annual Salary and Hourly/Daily Rate -- enter both amounts.
 - . Work Code -- Specify "9".
 - . Loc (location) -- Specify "999".
 - . Job Number -- Specify "zzz-zzzzz".
 - . Budget Account Number -- Specify "103" for the sub-object (last 3 digits of the account number).

ACTION

Personnel

SUBJECT

REQUESTING LEAVE OF
ABSENCE WITHOUT PAY

RESPONSIBILITY

ACTION

Appointing Officer
(continued)

Forward request (original) and CHANGE NOTICE to Civil Service (for employees in the Classified Service only) or Payroll and Disbursements as applicable. For non-Civil Service employees proceed to Step 5.

Civil Service
Commission

4. Review request and note approval or disapproval by completing "Part III" of the request.

a.) If request disapproved, make 2 photocopies of form and distribute as follows:

- . Original -- Agency.
- . Copy -- Employee.
- . Copy -- Civil Service files.

Destroy CHANGE NOTICE.

Procedure ends here.

b.) If request approved, make 3 photocopies of form and distribute, with CHANGE NOTICE, as follows:

- . Original -- Payroll and Disbursements.
- . Copy -- Agency.
- . Copy -- Employee.
- . Copy -- Civil Service files.

Appointing Officer

5. Notify payroll clerk of duration of approved leave in order that the following reports may be accurately completed:

- . PAYROLL ATTENDANCE REPORT [AM-204-16-1].
- . ATTENDANCE RECORD (28-1408-5151) [AM-204-17-1].

<p>SECTION</p> <p style="text-align: center;">Personnel</p>	<p>SUBJECT</p> <p style="text-align: center;">REQUESTING LEAVE OF ABSENCE WITHOUT PAY</p>
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+	CITY OF BALTIMORE	REQUEST FOR LEAVE OF ABSENCE WITHOUT PAY												
TO BE COMPLETED BY EMPLOYEE														
PART I	<p>INSTRUCTIONS</p> <p>1. COMPLETE PART I</p> <p>2. FORWARD FORM TO APPOINTING OFFICER</p> <p>3. ASK APPOINTING OFFICER ABOUT PROCEDURE FOR REINSTATEMENT.</p> <p style="text-align: center; margin-top: 10px;">NOTE: YOUR POSITION MAY BE PERMANENTLY FILLED IF YOUR ABSENCE WILL EXCEED 30 CALENDAR DAYS.</p>													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">NAME</td> <td style="width: 30%;">SOCIAL SECURITY NO.</td> <td style="width: 40%;">JOB TITLE</td> </tr> <tr> <td>DEPT. NAME</td> <td>DEPT. CODE</td> <td>CLASS. NO.</td> </tr> <tr> <td>DEPT. CODE</td> <td>POSITION NO.</td> <td>POSITION TITLE</td> </tr> <tr> <td>PERIOD OF LEAVE</td> <td>PERIOD OF ABSENCE</td> <td>PERIOD OF CALLENDAR DAYS</td> </tr> </table>		NAME	SOCIAL SECURITY NO.	JOB TITLE	DEPT. NAME	DEPT. CODE	CLASS. NO.	DEPT. CODE	POSITION NO.	POSITION TITLE	PERIOD OF LEAVE	PERIOD OF ABSENCE	PERIOD OF CALLENDAR DAYS
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CIVIL SERVICE USE ONLY														
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• **Form Number:** 28-1418-5028
 • **Type:** Single Sheet
 • **Size:** 8 1/2" x 11"

• **Order Unit:** Specify "Each"
 • **Quantity of Forms per Order Unit:** 1 Sheet

To order, prepare a WAREHOUSE REQUISITION (28-1458-5129) (AM-302-1-1) specifying Warehouse Division 02, and citing the above information.



**Administrative
Manual
DETAIL PROCEDURE**

SECTION

Personnel

SUBJECT

REQUESTING LEAVE OF
ABSENCE WITHOUT PAY

SAMPLE FORM APPENDED TO PROCEDURE

RESPONSIBILITY

ACTION

- . **Employee**
 1. Complete "Part I" of REQUEST FOR LEAVE OF ABSENCE WITHOUT PAY (28-1418-5028). Forward form to appointing officer.
- . **Appointing Officer**
 2. Review request and note approval or disapproval by completing "Part II" of the request.
 - a.) If request disapproved, retain form in files. Inform employee of decision. Procedure ends here.
 - b.) If request approved and amount requested is 30 calendar days or less, retain form in files. Inform employee of decision. Proceed to Step 5.
 - c.) If request approved and amount requested is more than 30 calendar days, make 1 photocopy of form and retain in files.
 3. Have employee placed in an inactive payroll status by instructing payroll clerk to complete a CHANGE NOTICE (28-1618-5143 for Civil Service employees; 28-1428-5107 for non-Civil Service employees) [AM-205-4-5] with the following special entries:
 - . Annual Salary and Hourly/Daily Rate -- enter both amounts.
 - . Work Code -- Specify "9".
 - . Loc (location) -- Specify "999".
 - . Job Number -- Specify "zzz-zzzzz".
 - . Budget Account Number -- Specify "103" for the sub-object (last 3 digits of the account number).

ACTION

Personnel

SUBJECT

REQUESTING LEAVE OF
ABSENCE WITHOUT PAY

RESPONSIBILITY

ACTION

• **Appointing Officer
(continued)**

Forward request (original) and CHANGE NOTICE to Civil Service (for employees in the Classified Service only) or Payroll and Disbursements as applicable. For non-Civil Service employees proceed to Step 5.

• **Civil Service
Commission**

4. Review request and note approval or disapproval by completing "Part III" of the request.

a.) If request disapproved, make 2 photocopies of form and distribute as follows:

- . Original -- Agency.
- . Copy -- Employee.
- . Copy -- Civil Service files.

Destroy CHANGE NOTICE.

Procedure ends here.

b.) If request approved, make 3 photocopies of form and distribute, with CHANGE NOTICE, as follows:

- . Original -- Payroll and Disbursements.
- . Copy -- Agency.
- . Copy -- Employee.
- . Copy -- Civil Service files.

Appointing Officer

5. Notify payroll clerk of duration of approved leave in order that the following reports may be accurately completed:

- . PAYROLL ATTENDANCE REPORT [AM-204-16-1].
- . ATTENDANCE RECORD (28-1408-5151) [AM-204-17-1].

<p>SECTION</p> <p style="text-align: center;">Personnel</p>	<p>SUBJECT</p> <p style="text-align: center;">REQUESTING LEAVE OF ABSENCE WITHOUT PAY</p>
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+	CITY OF BALTIMORE	REQUEST FOR LEAVE OF ABSENCE WITHOUT PAY	
TO BE COMPLETED BY EMPLOYEE			
PART I	<p>INSTRUCTIONS</p> <p>1. COMPLETE PART I 2. FORWARD FORM TO APPOINTING OFFICER 3. ASK APPOINTING OFFICER ABOUT PROCEDURE FOR REINSTATEMENT.</p> <p style="text-align: center; font-size: small;">NOTE: YOUR POSITION MAY BE PERMANENTLY FILLED IF YOUR ABSENCE WILL EXCEED 30 CALENDAR DAYS.</p>		
	NAME	SOCIAL SECURITY NO.	JOB TITLE
	DEPT. NAME	DEPT. CODE	CLASS. NO. / GRADE
	EMP. NO.	PERIOD OF ABSENCE	DATE OF RETURN TO WORK
	REASON FOR LEAVE		DATE
TO BE COMPLETED BY APPOINTING OFFICER AND ADMINISTRATIVE OFFICIAL, PER OFFICE			
PART II	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REASON FOR DISAPPROVAL		
	APPROVED BY	DATE	
	ADMINISTRATIVE OFFICIAL	DATE	
CIVIL SERVICE USE ONLY			
PART III	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REASON FOR DISAPPROVAL		
	APPROVED BY	DATE	
	ADMINISTRATIVE OFFICIAL	DATE	

• **Form Number:** 28-1418-5028 • **Order Unit** : Specify "Each"

• **Type** : Single Sheet • **Quantity of Forms**

• **Size** : 8 1/2" x 11" • **per Order Unit** : 1 Sheet

To order, prepare a WAREHOUSE REQUISITION (28-1458-5129) (AM-302-1-1) specifying Warehouse Division 02, and citing the above information.

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AM 208-1 – Part 2

m ***Leave of Absence Without Pay Exceeding 30
Calendar Days***

APPROVAL

A leave of absence for a period in excess of 30 calendar days must be approved by the Civil Service Commission for employees in the classified service only, as well as the employee's appointing officer. Employees in non-Civil Service classes must obtain the approval of his appointing officer to be granted a leave of absence for 30 calendar days or more.

EXTENSION OF LEAVE

Extension of a leave of absence originally granted for 30 calendar days or less but will upon extension exceed 30 calendar days must be sought of the Civil Service Commission for those in classified service providing approval of the appointing officer has been obtained. Employees in non-Civil Service positions must obtain the approval of his appointing officer to be granted an extension of a leave originally granted for 30 calendar days or less but upon extension will exceed 30 calendar days or more may be granted for 30 calendar days. An extension of leave originally granted for 30 calendar days or more may be granted with the approval of the appointing officer and/or the Civil Service Commission depending on class of City service.

PAYROLL MARKINGS

An employee granted a leave of absence exceeding 30 calendar days must be transferred to the 999 payroll by a CHANGE NOTICE (28-1618-5143). The payroll marking should be "XP" while on this payroll with appropriate notations in the REMARKS column next to the employee's name.

FILLING THE POSITION

If an employee has been granted a leave of absence for more than 30 calendar days, the appointing officer may either fill the position with a permanent employee or hire a temporary employee.

RETURN TO DUTY GUIDELINES

An employee who has been on a leave of absence for more than 30 calendar days must notify his appointing officer in writing at the earliest opportunity of his desire and fitness to return to duty. In all cases, this notification must be made not later than 10 calendar days following the expiration of the leave. Employees in the classified service must also notify the Civil Service Commission within this time period. The employee must return to duty within this period

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AM 208-1 – Part 2

m ***Leave of Absence Without Pay Exceeding 30
Calendar Days***

unless:

- His position has been filled by a permanent employee.
- OR
- His position has been abolished.

REQUIRED APPROVALS

The Mayor's Personnel Freeze Committee must approve the filling of a position with an employee returning from a Leave Of Absence Without Pay of more than 30 calendar days. Prior to the employee's return to duty, the appointing officer must submit an EMPLOYEE ACTION REQUEST (28-1608-5021) TO THE Freeze Committee. Failure to allow sufficient time, prior to the employee's return to duty, for approval of the EMPLOYEE ACTION REQUEST and a medical evaluation as applicable, will result in the employee being considered laid-off.

After receipt of the approved EMPLOYEE ACTION REQUEST, the appointing officer must complete a CHANGE NOTICE returning the employee to active payroll status. The effective date on the CHANGE NOTICE must not be prior to the date of Freeze Committee approval on the EMPLOYEE ACTION REQUEST.

MEDICAL EVALUATION

Prior to reinstatement, medical clearance to return to duty must be obtained from the Division of Occupational Medicine (DOM) as follows:

- If the leave of absence without pay exceeded 30 calendar days and was due to personal illness or disability exclusive of post natal disability, the employee must submit to and pass a return to duty evaluation.
- If the leave of absence without pay totals more than 6 months, to include any time spent on lay-off, the employee must submit to and pass a pre-employment physical examination.

EXCEPTION

An employee returning to duty after childbirth and an absence of 30 calendar days or longer need not have a return to duty physical. However, the employee must submit a statement to the Chief Physician at DOM from her private physician stating that the employee is fit for duty as of a specified date. This necessary documentation can be mailed or delivered to the clinic in advance of the date scheduled for return to duty. However, if the employee's private physician has placed

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AM 208-1 – Part 2

m ***Leave of Absence Without Pay Exceeding 30
Calendar Days***

any restriction on the return to duty. However, if the employee's private physician has placed any restrictions on the return to duty then that employee must be cleared by DOM prior to return to work.

LEAVE AND SERVICE CREDIT

An employee who is granted a leave of absence without pay for more than 30 calendar days will not accrue leave or service while on leave of absence. If the employee is reinstated within the 10 calendar day period following his leave of absence, or is determined to have been laid-off, he will be credited with his prior service for the purpose of calculating seniority, longevity, and vacation leave. He will also be credited with any unused leave he may have had prior to his leave for which he has not received payment.

ENTITLEMENTS IF LAID OFF

If an employee desires to return to his position but is unable to do so because it is not available, the appointing officer must attempt to place him in another vacant position within his job class. If the employee cannot be reinstated within the 10 calendar day period following expiration of his leave of absence, he is considered to be laid-off. In such cases, the appointing officer must submit a CUT-OFF NOTICE.

The appointing officer should direct the employee to contact the Employee Benefits Unit of the Civil Service Commission for information regarding benefits to which he may be entitled and assistance in identifying employment opportunities in other agencies.

HEALTH PLAN

It is the responsibility of the employee to contact Employee Benefits section, Civil Service Commission, 1st floor, 111 N. Calvert St., Court House East, Baltimore 21201, to ensure continuation and proper billing process for the employee's designated health plan.

***Elective Office:
State Service and Service in
Other Jurisdiction***

SCOPE

This policy provides appropriate measures to be taken when a City employee is selected to the General Assembly of the State of Maryland. It, also, stipulates use of time by a City employee who is an elected official in another jurisdiction.

STATE SERVICE

A City employee elected to the General Assembly of the State of Maryland will be granted time off without pay to attend each required session of the General Assembly. When legislative responsibilities require attendance at interim committee meetings, time-off without pay will be granted.

NOTIFICATION

An employee must notify his appointing officer and the Central Payroll Division by MEMORANDUM (28-1418-5007) of all necessary absences due to attendance at General Assembly sessions and interim committee meetings. Such notification must be made as much in advance of each absence as is possible.

EMPLOYEE BENEFITS

While serving in the General Assembly, an employee will retain all benefits to which an active employee is normally entitled, with the exception of receiving a salary. Such employees will:

- Be credited with all time spent in the General Assembly for the purpose of calculating length of City service.
- Continue to accrue vacation, sick, and personal leave.
- Not have their level movement date(s) altered or changed.

The City will continue to pay its share of Blue Cross-Blue Shield or Health Maintenance Organization (HMO) benefit coverage charges provided that the employee continues to pay his share. Payment procedures should be coordinated with the Employee Benefits Unit, 111 N. Calvert St., Baltimore, MD 21202. Eligibility for benefit questions should be directed to the agency personnel officer.

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AM-208-2

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*Elective Office:
State Service and Service in
Other Jurisdiction*

OTHER JURISDICTIONS

A City employee may serve as an elected official in other jurisdictions, providing, the official duties of the employee do not conflict nor give the appearance of conflict with performance of his job responsibilities. A City employee will not be granted time off for service or performance of duties in the elected position except as the employee applies for and is granted vacation leave, personal leave, and/or compensatory leave in conformity with City procedures. Sick leave may not be used for such purposes.

RELATED POLICIES

AM-204-2
AM-204-4
AM-204-14
AM-225-1

VACATION LEAVE
PERSONAL LEAVE
SICK LEAVE
POLITICAL ACTIVITY

Non-Line of Duty Injury

The City of Baltimore (“City”) endorses the return to work of employees who sustain non-line of duty injuries, illnesses, or diseases as soon as they are able to perform their assigned duties safely, efficiently and effectively.

I. PURPOSE

The Return-To-Work Program is designed to ensure the most effective utilization of employees who have incurred non-line of duty illnesses or diseases. Whenever possible, the City’s goal will be to return the affected employee to regular permanent employment where the employee can satisfactorily perform all the essential functions of the position.

II. SCOPE

This Policy applies to all employees involved in the City’s operations, including, but not limited to, full-time and part-time employees.

III. SERIOUS OR CATASTROPHIC NON-LINE OF DUTY INJURY, ILLNESS, OR DISEASE

When an employee has acquired a serious or catastrophic non-line of duty injury, illness, or disease and is absent for more than sixty (60) workdays days, the Agency’s Human Resources Practitioner shall contact the employee to ensure that all return-to-work options have been considered early in the recovery process.

IV. RETURN TO WORK PROCESS

- A.** When a supervisor suspects that an employee is not satisfactorily performing the position’s essential duties because of an injury, illness or disease, the supervisor through the Agency’s Human Resources Office may request through the Department of Human Resources (“DHR”) that the Medical Director arrange for a “fitness-for-duty” examination.

- B.** If a non-line of duty injury, illness, or disease has prevented an employee from performing one or more of the regular job’s essential functions for more than sixty (60) workdays, the City will begin the Return-to-Work Process.
 - 1.** On the 61st workday following the inception of the employee’s performance limiting injury, illness or disease, or the conclusion of the employee’s FMLA, whichever occurs first, the Agency HR Practitioner should begin the ADA interactive process as outlined in *AM 203-5 Reasonable Accommodations*.

Non-Line of Duty Injury

- a. If the employee can be returned to work utilizing a Reasonable Accommodation, the employee should be returned to work.
 - b. If the employee cannot be accommodated through the ADA process, then the Agency must begin the “Options” process as outlined below (See ***Section V Options Process***).
- C. An employee with non-line of duty injuries, illness, or disease shall be advised in writing of the several options available after FMLA expires and, if appropriate, the conclusion of an ADA analysis (as to any available disability and reasonable accommodations).

V. OPTIONS PROCESS

- A. The options process shall begin with written notice to the employee from the Agency HR Practitioner regarding continuing employment with the City, based on the medical reports received indicating that the employee is unable to perform the position’s essential function. The employee must be advised by letter of the several options available; once a selection is made, it is binding. The options available are:
 - 1. The employee can apply for disability or retirement service benefits. The initial application must be received within forty-five (45) calendar days from the date of the letter.
 - 2. The employee can seek and obtain alternative employment within and outside City government within 60 calendar days after the receipt of the letter; or
 - 3. The employee may submit a letter of resignation to the Agency.
- B. A meeting must be scheduled with the employee within seven (7) calendar days after the receipt of the letter to discuss the letter’s contents.
- C. The employee must respond in writing within seven (7) calendar days after the date of the meeting with the Agency’s HR Practitioner to inform the Agency of which option the employee wishes to select. If there is no response within seven (7) calendar days of the scheduled meeting, the employee will be recommended for termination in accordance with *PM 560 Discharge* and *Civil Service Rule 56 (2)(g) Cause for Discharge, Demotion, or Suspension*.

Non-Line of Duty Injury

VI. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2* Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VIII. RELATED POLICIES

AM 208-3-1	Non-Line of Duty Options Letter
AM 203-5	Reasonable Accommodations
AM 204-12-1	Job-Related Injury and Illness
PM 560	Discharge
Civil Service Rule 56(2)(g)	Cause for Discharge, Demotion, or Suspension

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AM 208-3-1

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***Non-Line of Duty
Options Letter***

CERTIFIED MAIL NO:

Month XX, 20XX

Employee Name
Employee Address
City, State, Zip code

Dear Employee Name:

According to the medical evaluation received from the City of Baltimore-Occupational Medical Services at Mercy Clinic, you are unable to perform the essential job functions of your position. The City of Baltimore does not provide restricted or light duty assignments on a permanent basis. Consequently, you are no longer qualified to continue in your current job classification.

You can resign at any time or you can select one of the three (3) options available to you in order to resolve your work status. On the 46th day, if you have not done one of the three (3) options below, you will be recommended for termination. **You may pursue only one (1) of the following options:**

1. Apply for disability or service retirement benefits and complete the initial application by insert date [DATE IS 45 CALENDAR DAYS FROM THE DATE OF THIS LETTER]. To determine what documents and/or medical information is required, your eligibility, and to obtain assistance in filing your application, please contact the Employees' Retirement System ("ERS") at 443-984-3200 to set up an appointment with a Retirement Benefits Analyst;
2. Seek and obtain alternative employment within and outside City government by insert date [DATE IS 45 CALENDAR DAYS AFTER RECEIPT OF THIS LETTER]; or
3. **[Only members of either the City Union of Baltimore or AFSCME Locals 44, 558 and 2202]** Contest the medical determination and request an evaluation by an independent Board certified physician with the Office of the Labor Commissioner and the Union by insert date [DATE IS 45 CALENDAR DAYS AFTER RECEIPT OF THIS LETTER].

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AM 208-3-1

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*Non-Line of Duty
Options Letter*

A meeting has been scheduled on insert date and time [DATE IS 7 CALENDAR DAYS AFTER RECEIPT OF THIS LETTER] in insert meeting location for you to discuss the contents of this letter; potential alternative employment within and outside the City government; as well as possible eligibility for retirement benefits.

Please note that you must respond in writing by insert date [DATE IS 7 CALENDAR DAYS AFTER THE SCHEDULED MEETING DATE WITH AGENCY HR PRACTITIONER] to inform the [insert Agency Name's] Human Resources Office of which avenue you intend to pursue. Once you make your selection, you are bound by your selection. If you fail to respond to this correspondence by insert date [DATE IS 7 CALENDAR DAYS AFTER THE SCHEDULED MEETING DATE WITH AGENCY HR PRACTITIONER], you will be recommended for termination in accordance with *PM 560 Discharge* and *Civil Service Rule 56 (2)(g) Cause for Discharge, Demotion, or Suspension*.

Sincerely,

Agency HR Practitioner Name
Agency HR Practitioner Title

cc: Office of the Labor Commissioner
Employees Retirement System
Union Representative

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AM-209-1

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Union Visitation

DISCUSSION OF GRIEVANCES

Upon request, any recognized and accredited representative of the Union shall be granted reasonable time off with pay during working hours for the purpose of processing grievances in accordance with the appropriate grievance procedure provided that there is no interference with work performance. The union steward or representative must make an appointment in advance with the appropriate management representative.

NOTICES AND COMMUNICATIONS

A union steward or representative may visit work areas during working hours without loss of pay for the purpose of:

- Posting official notices on designated union bulletin board.
- Transmitting union-authorized communications to the employer or a management representative.

Administrative

Manual

AM-210-1-1

Grievance Procedure 08/25/96 (replaces 09/23/77)

NOTES: An employee has the right to select a representative to assist him/her during any step of this procedure. (See AM-210-1 for details.)

The time limits in this procedure may be changed by the mutual agreement of the parties involved. However, if no change is made and the employee does not appeal within the prescribed time limits, the grievance procedure will terminate and a settlement made on the basis of the last answer received. Further, if an employee does not receive a response to the grievance within the prescribed time, he may proceed to the next step in the procedure.

RESPONSIBILITY - ACTION

FIRST STEP

1. Employee- Discuss grievance with immediate supervisor within ten (10) calendar days and in no event more than thirty (30) days after becoming aware of the action or condition which is the basis of grievance.
2. Immediate Supervisor- Attempt to satisfy grievance and respond to grievant within ten (10) calendar days of presentation of grievance.

SECOND STEP

1. Employee/Grievant and/or representative supervisor- If grievance is not satisfactorily resolved at Step 1, appeal to 2nd-level supervisor within five (5) calendar days following completion of Step 1. Complete a GRIEVANCE REPORT (28-1608-5027) and submit it to the 2nd-level supervisor.
2. Level Supervisor - Discuss grievance with employee within five (5) calendar days of receipt of GRIEVANCE REPORT. Record reply to the grievance on the GRIEVANCE REPORT. Attach additional sheets if necessary. Sign the GRIEVANCE REPORT and have a copy made. Return original (with attached sheets) to employee within five (5) calendar days of meeting.
3. Employee- Indicate on GRIEVANCE REPORT whether decision of 2nd-level supervisor is accepted or rejected. If accepted, procedure ends here. If rejected, employee may proceed to Step 3 within five (5) calendar days of receipt of decision from 2nd-level supervisor.

THIRD STEP

1. Employee - If grievance is not satisfactorily resolved at Step 2, appeal to agency head by forwarding GRIEVANCE REPORT (with any attachments) and sending a copy to the Labor Commissioner.
2. Agency Head or (authorized representative) - Together with the Labor Commissioner (or authorized representative) meet with the employee to discuss the grievance within five (5) calendar

days of receipt of GRIEVANCE REPORT.

3. Labor Commissioner (or authorized representative) - Prepare a written reply to Grievance. Make three (3) copies of reply and distribute as shown below within ten (10) calendar days of meeting with employee. • Original attach to GRIEVANCE REPORT and forward to employee. • Copy employee's agency head • Copy employee's representative • Copy Labor Commissioner's files
4. Employee - Indicate on GRIEVANCE REPORT whether decision is accepted or rejected. If accepted, procedure ends here. If rejected, employee may proceed to Step 4 within seven (7) calendar days of receipt of decision from Labor Commissioner.

FOURTH STEP

This step is divided into two sections. Each section outlines steps to be taken by an employee whose representative is as noted.

A. Employees who represent themselves, or whose representative was selected from within the agency where the grievance originated.

1. Employee - If grievance is not satisfactorily resolved at Step 3, appeal to the Grievance Appeal Board for final review. Submit written request (with a copy of all documents) to the Civil Service Commission/Department of Personnel. Send one (1) copy of the request to the Labor Commissioner.
2. Civil Service/ Department of Personnel - Select a Grievance Appeals Board to hear grievance. The Board is to be comprised as follows: • One (1) agency head other than the one involved in the grievance. • One (1) member of the Board of Estimates. • The Personnel Director of the Civil Service Commission/ Department of Personnel.
3. Grievance Appeals Board - Investigate grievance as promptly as possible and make a final determination.
4. Grievance Appeals Board - Advise the aggrieved employee and the Labor Commissioner of the determination in writing.

B. Employees who are following a grievance procedure outlined in a memorandum of understanding and whose representative was selected from the employee organization designated as their exclusive bargaining representative.

1. Employee Organization - If grievance is not satisfactorily resolved at Step 3, request review by an impartial arbitrator. Submit written request (with a copy of all relevant documents) to the Labor Commissioner.
2. Labor Commissioner - Together with the Employee Organization, select an impartial arbitrator. If an agreement cannot be reached, request list of arbitrators from the Federal Mediation and Conciliation Service. Select an arbitrator from this list.
3. Arbitrator - Investigate grievance and forward ruling to the Employee Organization and to the Labor Commissioner. This ruling is final and binding as pursuant to the Municipal Employee Relations Ordinance (Baltimore City Code, Article 1, Section 132, as amended).

DEFINITION

A grievance is a dispute concerning the application or interpretation of the terms of the Memoranda of Understanding between one of the various Employee Organizations and the City Administration, or a claimed violation, misinterpretation or misapplication of the rules or regulations of a municipal agency or the employer affecting the terms and conditions of employment.

MATTERS WHICH CANNOT BE GRIEVED

All matters which by law are vested in the Board of Estimates, the Civil Service

Commission/Department of Personnel, or a City agency cannot be the subject of a grievance. These include, but are not limited to :

- Determination of the mission of an agency.
- Establishment of standards of service to be offered to the public.
- Exercise of control and direction over an agency's organization and operation.
- The right to direct employees and to hire, promote, transfer, assign, or retain employees in positions with an agency.
- The right to suspend, demote, discharge, or take other appropriate disciplinary action against an employee for just cause.
- Establishment of reasonable work rules.
- Establishment or alteration of wages, hours or leave benefits.
- Examination and qualification of employees and applicants for employment.
- Classifications.
- Relief from duty of employees in case of lack of work or funds, or other legitimate reason.

WHO MAY INITIATE A GRIEVANCE

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AM-210-1

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Grievances

Grievances may be initiated by an employee, a group of employees, or certified organization representing employees.

EMPLOYEE REPRESENTATIVE

An employee has the right to select a representative who may present his/her grievance or assist in any other manner. This representative may be selected from the agency where the grievance originated or may be any other representative.

An employee may select this representative any time during the grievance procedure. However, once the selection is made, it cannot be changed.

UNIMPEDED PROCEDURE

No disciplinary action shall be taken against an employee or his/her representative solely for instituting or pursuing a grievance. Employees shall be entirely free from interference, discrimination, or coercion during all steps of the grievance procedure.

ABSENCE FROM WORK

Three employees, including the selected employee representative, may be excused from work to attend a grievance meeting at the First and Second Steps. Five employees maybe excused at the Third and Fourth Steps. These limitations may be exceeded only if prior permission is obtained from the person or persons designated to determine the grievance. Employees excused from work will suffer no loss of time or pay for scheduled work time spent attending grievance meetings.

COST

Any cost incurred for the contracting of an impartial arbitrator to settle the grievance in the Fourth Step shall be equally divided between the City and the employee organization representing the employee.

Any cost incurred for the participation of a mediator and/or arbitrator where the employee is represented by an employee organization will be paid as provided by the applicable Memorandum of Understanding.

Grievance Procedure

NOTES: An employee has the right to select a representative to assist him/her during any step of this procedure. (See [AM-210-1](#) for details.)

The time limits in this procedure may be changed by the mutual agreement of the parties involved. However, if no change is made and the employee does not appeal within the prescribed time limits, the grievance procedure will terminate and a settlement made on the basis of the last answer received. Further, if an employee does not receive a response to the grievance within the prescribed time, he may proceed to the next step in the procedure.

RESPONSIBILITY - ACTION**FIRST STEP**

1. Employee- Discuss grievance with immediate supervisor within ten (10) calendar days and in no event more than thirty (30) days after becoming aware of the action or condition which is the basis of grievance.
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1. Employee/Grievant and/or representative supervisor- If grievance is not satisfactorily resolved at Step 1, appeal to 2nd-level supervisor within five (5) calendar days following completion of Step 1. Complete a GRIEVANCE REPORT (28-1608-5027) and submit it to the 2nd-level supervisor.
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THIRD STEP

1. Employee - If grievance is not satisfactorily resolved at Step 2, appeal to agency head by forwarding GRIEVANCE REPORT (with any attachments) and sending a copy to the Labor Commissioner.

Grievance Procedure

2. Agency Head or (authorized representative) - Together with the Labor Commissioner (or authorized representative) meet with the employee to discuss the grievance within five (5) calendar days of receipt of GRIEVANCE REPORT.
3. Labor Commissioner (or authorized representative) - Prepare a written reply to Grievance. Make three (3) copies of reply and distribute as shown below within ten (10) calendar days of meeting with employee. • Original attach to GRIEVANCE REPORT and forward to employee. • Copy employee's agency head • Copy employee's representative • Copy Labor Commissioner's files
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3. Grievance Appeals Board - Investigate grievance as promptly as possible and make a final determination.
4. Grievance Appeals Board - Advise the aggrieved employee and the Labor Commissioner of the determination in writing.

B. Employees who are following a grievance procedure outlined in a memorandum of understanding and whose representative was selected from the employee organization designated as their exclusive bargaining representative.

1. Employee Organization - If grievance is not satisfactorily resolved at Step 3, request review by an impartial arbitrator. Submit written request (with a copy of all relevant documents) to the Labor Commissioner.

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AM-210-1-1

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Grievance Procedure

2. Labor Commissioner - Together with the Employee Organization, select an impartial arbitrator. If an agreement cannot be reached, request list of arbitrators from the Federal Mediation and Conciliation Service. Select an arbitrator from this list.
3. Arbitrator - Investigate grievance and forward ruling to the Employee Organization and to the Labor Commissioner. This ruling is final and binding as pursuant to the Municipal Employee Relations Ordinance (Baltimore City Code, Article 1, Section 132, as amended).

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AM-211-1

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Overlap in Employment

Overlap in employment is a condition that exists when two employees occupy the same position at the same time for training purposes.

Overlap in employment up to twenty (20) working days may be granted in special cases if sufficient funds are available. A request for the overlap and a cut-off ticket must be submitted to the Civil Service Commission at least ten (10) working days before the effective date of the new appointment. Overlap of greater than twenty (20) working days must have prior approval of the Board of Estimates.

Contractual Agreements

SCOPE

Retired City employees may be engaged to render services to the City on a contractual basis when the requesting agency is able to establish a need for the retiree's services and the retiree possesses the qualifications necessary to satisfy the requirements of the services to be rendered.

This policy applies to retired City employees who were members of one of the City's retirement systems and who are receiving periodically paid benefits at the time they enter into the contractual agreement. They must have been retired for at least 90 calendar days before beginning such services.

OVERVIEW

A retired City employee providing services must enter into a contractual agreement with the Mayor and the City Council of Baltimore. Contracts require a stipulated time period not to exceed one (1) year subject to a ceiling of 1200 paid work hours per contract year. Contractual agreements are contingent on funds being available and require the approval of the Board of Estimates. All contracts must be submitted to and approved by the Board of Estimates prior to the individual starting to perform any work under that contract. **A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.**

STEPS FOR NECESSARY APPROVALS

The following steps must be taken to have a contractual agreement approved for the services of a retired City employee.

1. **Law Department** - The head of the requesting agency must contact the appropriate solicitor in the Law Department for assistance with the preparation of the contractual agreement. The Law Department must approve the contractual agreement for form and legal sufficiency before it is submitted to the Department of Finance, Bureau of the Budget and Management Research, which is the second step.
2. **Bureau of the Budget and Management Research (BBMR)** - The agency's budget analyst must review the contract for funding availability before the contract is submitted to the Department of Personnel, which is the third step.
3. **Department of Personnel** – All contracts must be reviewed by the Classification and Compensation Division for appropriate compensation and conformance with applicable *Administrative Manual* policies, prior to submission to the Expenditure Control Committee (ECC) and the Board of Estimates. The Department of Personnel forwards their recommendations to BBMR for the budget analyst recommendation to ECC.

Contractual Agreements

- 4. **Expenditure Control Committee (ECC)** - Based on the recommendation, the ECC will approve or disapprove the contractual agreement. Documents for approved contractual agreements will be returned to BBMR for submission to the Board of Estimates. If the contractual agreement is not approved, all documents will be returned to the agency.
- 5. **Board of Estimates (B/E)** - Approved contracts by ECC will be submitted to the Board of Estimates by BBMR. (For specific dates, refer to the Department of Personnel memo on ECC and B/E Deadlines for the current year).

CONTRACT START DATE

All contracts must be submitted to and approved by the Board of Estimates before a retired City employee can start to perform any work under that contract. A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.

WORK HOURS

The retiree must work during the normal office hours of the agency to which he/she is assigned unless otherwise specified in the contractual agreement. A retired City employee who is under contract with the City may not work more than 1200 paid work hours per contract year.

This provision does not apply to a retired City or Baltimore Police Department employee who is under contract with the Baltimore Police Department.

RATE DETERMINATION

A retired City employee on contract shall be paid an appropriate rate on an hourly basis. The rate received can be no more than the difference between the maximum salary which the retiree would have received based upon his/her qualifications if he/she were employed full-time by the City in the classification at the time of the contract and the retiree's maximum City Retirement Systems benefit. To determine the maximum hourly rate, the dollar value of the difference is to be divided by the 1200 work hours allowed per contract year. Based upon review of the information submitted by the agency head, the appropriate solicitor in the Law Department must verify the hourly rate of pay stipulated in the contract as part of the review for legal sufficiency.

This provision does not apply to retired City or Baltimore Police Department employee who is under contract with the Baltimore Police Department.

DISALLOWED BENEFITS

Contractual employees do not receive health benefits, paid holidays, vacation leave, personal leave, sick leave benefits, compensatory time, death benefits, or new or additional retirement

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AM-212-1 Part 1

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Contractual Agreements

benefits. Lunch hours are not included as paid hours of work. City retirees under contract with the City are not represented by any employee union or professional association. However, a retiree under contract is covered by the provisions of the Maryland Workers' Compensation Act.

REPORTING OF TAXABLE INCOME

The retiree will receive a W-2 form from the City of Baltimore at the end of the calendar year in accordance with the guidelines of the Internal Revenue Service (IRS).

APPOINTMENT PROCESS

Retired City employees engaged on a contractual basis shall be entered on an ENTRY TICKET (28-1618-5142) as Grade 999 (\$5.15- \$90.00 Hourly), Class #00106, Contract Services Specialist I, Work Code 9, Appt. Code "X", with the appropriate hourly rate as stipulated in the approved contract.

Since a retiree on contract cannot work beyond one (1) year on an approved contract, a CUT-OFF NOTICE (28-1608-5144), used for the purpose of removal from the payroll, should be processed with the ENTRY TICKET.

CONTRACT REQUIREMENT

Contracts for retired City employees may not be amended to extend the originally approved ending date. The Board of Estimates must specifically approve a new contract for the additional time that the services of the City retiree are needed. The steps for approval must be repeated for each new contract to be submitted to the Board of Estimates.

RELATED DOCUMENTS

For additional information, see:

AM-204-1 ANNUAL HOLIDAYS PART I

AM-205-4-2 PREPARING AN ENTRY TICKET AM-205-7-1

CUT-OFF NOTICE

AM-207-1 WORK HOURS

Contractual Agreements

SCOPE

Retired City employees may be engaged to render services to the City on a contractual basis when the requesting agency is able to establish a need for the retiree's services and the retiree possesses the qualifications necessary to satisfy the requirements of the services to be rendered.

This policy applies to retired City employees who were members of one of the City's retirement systems and who are receiving periodically paid benefits at the time they enter into the contractual agreement. They must have been retired for at least 90 calendar days before beginning such services.

OVERVIEW

A retired City employee providing services must enter into a contractual agreement with the Mayor and the City Council of Baltimore. Contracts require a stipulated time period not to exceed one (1) year subject to a ceiling of 1200 paid work hours per contract year. Contractual agreements are contingent on funds being available and require the approval of the Board of Estimates. All contracts must be submitted to and approved by the Board of Estimates prior to the individual starting to perform any work under that contract. **A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.**

STEPS FOR NECESSARY APPROVALS

The following steps must be taken to have a contractual agreement approved for the services of a retired City employee.

1. **Law Department** - The head of the requesting agency must contact the appropriate solicitor in the Law Department for assistance with the preparation of the contractual agreement. The Law Department must approve the contractual agreement for form and legal sufficiency before it is submitted to the Department of Finance, Bureau of the Budget and Management Research, which is the second step.
2. **Bureau of the Budget and Management Research (BBMR)** - The agency's budget analyst must review the contract for funding availability before the contract is submitted to the Department of Personnel, which is the third step.
3. **Department of Personnel** – All contracts must be reviewed by the Classification and Compensation Division for appropriate compensation and conformance with applicable *Administrative Manual* policies, prior to submission to the Expenditure Control Committee (ECC) and the Board of Estimates. The Department of Personnel forwards their recommendations to BBMR for the budget analyst recommendation to ECC.

Contractual Agreements

- 4. **Expenditure Control Committee (ECC)** - Based on the recommendation, the ECC will approve or disapprove the contractual agreement. Documents for approved contractual agreements will be returned to BBMR for submission to the Board of Estimates. If the contractual agreement is not approved, all documents will be returned to the agency.
- 5. **Board of Estimates (B/E)** - Approved contracts by ECC will be submitted to the Board of Estimates by BBMR. (For specific dates, refer to the Department of Personnel memo on ECC and B/E Deadlines for the current year).

CONTRACT START DATE

All contracts must be submitted to and approved by the Board of Estimates before a retired City employee can start to perform any work under that contract. A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.

WORK HOURS

The retiree must work during the normal office hours of the agency to which he/she is assigned unless otherwise specified in the contractual agreement. A retired City employee who is under contract with the City may not work more than 1200 paid work hours per contract year.

This provision does not apply to a retired City or Baltimore Police Department employee who is under contract with the Baltimore Police Department.

RATE DETERMINATION

A retired City employee on contract shall be paid an appropriate rate on an hourly basis. The rate received can be no more than the difference between the maximum salary which the retiree would have received based upon his/her qualifications if he/she were employed full-time by the City in the classification at the time of the contract and the retiree's maximum City Retirement Systems benefit. To determine the maximum hourly rate, the dollar value of the difference is to be divided by the 1200 work hours allowed per contract year. Based upon review of the information submitted by the agency head, the appropriate solicitor in the Law Department must verify the hourly rate of pay stipulated in the contract as part of the review for legal sufficiency.

This provision does not apply to retired City or Baltimore Police Department employee who is under contract with the Baltimore Police Department.

DISALLOWED BENEFITS

Contractual employees do not receive health benefits, paid holidays, vacation leave, personal leave, sick leave benefits, compensatory time, death benefits, or new or additional retirement

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AM-212-1 Part 1

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Contractual Agreements

benefits. Lunch hours are not included as paid hours of work. City retirees under contract with the City are not represented by any employee union or professional association. However, a retiree under contract is covered by the provisions of the Maryland Workers' Compensation Act.

REPORTING OF TAXABLE INCOME

The retiree will receive a W-2 form from the City of Baltimore at the end of the calendar year in accordance with the guidelines of the Internal Revenue Service (IRS).

APPOINTMENT PROCESS

Retired City employees engaged on a contractual basis shall be entered on an ENTRY TICKET (28-1618-5142) as Grade 999 (\$5.15- \$90.00 Hourly), Class #00106, Contract Services Specialist I, Work Code 9, Appt. Code "X", with the appropriate hourly rate as stipulated in the approved contract.

Since a retiree on contract cannot work beyond one (1) year on an approved contract, a CUT-OFF NOTICE (28-1608-5144), used for the purpose of removal from the payroll, should be processed with the ENTRY TICKET.

CONTRACT REQUIREMENT

Contracts for retired City employees may not be amended to extend the originally approved ending date. The Board of Estimates must specifically approve a new contract for the additional time that the services of the City retiree are needed. The steps for approval must be repeated for each new contract to be submitted to the Board of Estimates.

RELATED DOCUMENTS

For additional information, see:

AM-204-1 ANNUAL HOLIDAYS PART I

AM-205-4-2 PREPARING AN ENTRY TICKET AM-205-7-1

CUT-OFF NOTICE

AM-207-1 WORK HOURS

m Contractual Agreements – Other than Retired City Employees

SCOPE

Individuals other than retired City employees as defined in this policy (AM-212-1) may be engaged to render services to the City on a contractual basis when the requesting agency is able to establish a need for the individual's services and the individual possesses the qualifications necessary to satisfy the requirements of the services to be rendered.

OVERVIEW

An individual providing such services must enter into a contractual agreement with the Mayor and City Council of Baltimore. A contractual agreement with an individual who is other than a retired City employee as defined in this policy (AM-212-1) may not exceed one (1) year in duration. Contractual agreements are contingent upon funds being available and require the approval of the Board of Estimates. All contracts must be submitted to and approved by the Board of Estimates prior to the individual starting to perform any work under that contract. **A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.**

STEPS FOR NECESSARY APPROVALS

The following steps must be taken to have a contractual agreement approved for the services of an individual, other than a retired City employee.

1. **Law Department** - The head of the requesting agency must contact the appropriate solicitor in the Law Department for assistance in the preparation of the contractual agreement. The Law Department must approve the contract for form and legal sufficiency before it is submitted to the Department of Finance, Bureau of the Budget and Management Research, which is the second step.
2. **Bureau of the Budget and Management Research (BBMR)** - The agency's budget analyst must review the contract for funding availability before the contract is submitted to the Department of Personnel, which is the third step.
3. **Department of Personnel** - All contracts must be reviewed by the Classification and Compensation Division for appropriate compensation and conformance with *Administrative Manual* policies, before submission to the Expenditure Control Committee (ECC) and the Board of Estimates. The Department of Personnel forwards their recommendation to BBMR for the budget analyst recommendation to the ECC.
4. **Expenditure Control Committee (ECC)** - Based on the recommendation, the ECC will approve or disapprove the contractual agreement. Documents for the approved contractual agreements will be returned to BBMR for submission to the Board of

m **Contractual Agreements – Other than Retired City Employees**

Estimates. If the contractual agreement is not approved, all documents will be returned to the agency.

- 5. **Board of Estimates (B/E)** - Approved contracts by ECC will be submitted to the Board of Estimates by BBMR. (For specific dates, refer to the Department of Personnel memo on ECC and B/E deadlines for the current year).

CONTRACT START DATE

All contracts must be submitted to the Board of Estimates and approved by that body prior to the individual starting to perform any work under that contract. A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.

WORK HOURS

Contractual individuals must perform their work during the normal office hours of the agency to which he/she is assigned unless otherwise stipulated in the contractual agreement.

RATE DETERMINATION

The hourly rate of pay shall be determined based on the services to be rendered and that rate information supplied by the requesting agency head. The rate to be paid will be stipulated in the approval of the Board of Estimates.

DISALLOWED BENEFITS

Contractual individuals do not receive health benefits, paid holidays, death benefits, vacation leave, personal leave, sick leave benefits, compensatory time, death benefits, or new or additional retirement benefits. Lunch hours are not included as paid hours of work. Individuals under contract with the City are not represented by an employee union or professional association. However, a contractual worker is covered by the provisions of the Maryland Workers' Compensation Act.

REPORTING OF TAXABLE INCOME

The individual will receive a W-2 form from the City of Baltimore at the end of the calendar year in accordance with the guidelines of the Internal Revenue Service (IRS).

APPOINTMENT PROCESS

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AM-212-1 Part 2

m Contractual Agreements – Other than Retired City Employees

An individual engaged on a contractual basis shall be entered on an ENTRY TICKET (28-1618-5142) as Grade 999 (\$5.15-\$90.00 Hourly), Class #00107, Contract Services Specialist II, Work Code 9, Appt. Code "X", with the appropriate hourly rate as stipulated in the approved contract.

Since a contractual individual cannot work beyond one (1) year on an approved contract, a CUT-OFF NOTICE (28-1608-5144), used for the purpose of removal from the payroll, should be processed with the ENTRY TICKET.

CONTRACT REQUIREMENT

A new contract must be submitted to the Board of Estimates and approved by that body for each successive year that such services are needed. The steps for approval must be repeated for each new contract to be submitted to the Board of Estimates for approval.

RELATED DOCUMENTS

For additional information, see:

[AM-204-1 ANNUAL HOLIDAYS PART I](#)

AM-205-4-2 PREPARING AN ENTRY TICKET

AM-205-7-1 CUT-OFF NOTICE

AM-207-1 WORK HOURS

m Contractual Agreements – Other than Retired City Employees

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RELATED DOCUMENTS

For additional information, see:

[AM-204-1](#) ANNUAL HOLIDAYS PART I

AM-205-4-2 PREPARING AN ENTRY TICKET

AM-205-7-1 CUT-OFF NOTICE

AM-207-1 WORK HOURS

Reinstatement/Subsequent Employment Record

Instructions to Personnel Officer: The hiring agency's Personnel Officer oversees the completion of this form for an employee being rehired within one year from date of resignation. After this form is completed, forward a copy to the Retirement Systems, give a copy to the employee and place the original in the employee's personnel record. See AM-213-1, Part I and II.

Instructions to the Employee: Fill in the information below to the best of your ability. Please check any prior employment records that you may have before giving this form to your new Personnel Officer. The Personnel Officer will verify your information and tell you where there is disagreement. You must make a written request within 18 months to appeal the Personnel Officer's findings.

To Be Completed by Employee

Employee's Full Name: _____

Social Security #: _____

Original Entry Date: ____/____/____ Effective Date of Resignation: ____/____/____

Former City Agency: _____

Last Job Classification: _____

Grade/Level: _____/_____ Note: You will be eligible for a step/level movement after 18 months.

Salary: _____ Longevity Increment(s) (based on years of service): _____

Sick Leave Balance (that was not converted to cash): _____

Prior Vacation Accrual Rate: _____

Employee's Signature: _____ Date: _____

To Be Completed by Personnel Officer and Central Payroll

Date of Reentry: ____/____/____

Adjusted Entry Date: ____/____/____ (Basis for determining vacation leave accrual & longevity based salary increments)

New Class Number: _____ New Job Title: _____

New Grade: _____ New Salary / Step: _____/_____

Restored Longevity Increment(s) based on years of service (circle): L1 L2 L3 L4 M1 M2 M3 M4

Restored Sick Leave (50% of prior sick leave balance): _____

New Vacation Accrual Rate: _____

Signature of Central Payroll Supervisor/Manager: _____ Date: _____

Signature of Agency Personnel Officer: _____ Date: _____

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AM-213-1 Part 1

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Reinstatement

SCOPE

An individual may be reinstated to a position in the same job classification from which he/she voluntarily resigned provided that not more than one (1) year has transpired since the employee's resignation. The position does not have to be in the same agency from which the employee resigned.

For reinstatement, the employee's entry date will be adjusted to reflect the period of absence. Vacation leave accrual rates and longevity-based salary increments will be based on the adjusted entry date. Any unpaid sick leave will be adjusted and restored.

If more than one (1) year has lapsed since the employee's resignation, the individual must follow the normal rules for applying for City government employment. Benefits are not restored. This policy, however, does not apply to the calculation of Employees' Retirement System service that is defined in Article 22 of the Baltimore City Code.

This Policy does not apply to City or Baltimore Police Department employees seeking reinstatement with the Baltimore Police Department.

REINSTATEMENT PROCESS

To be reinstated to a Civil Service position, an individual must contact the Department of Human Resources by letter relative to the request. If after investigation by the Department of Human Resources, it is determined that a position in the same classification from which the individual resigned is vacant, that funds are available for the position, and that the agency head wants to accept the employee, then the Department of Human Resources may approve the reinstatement request and notify the individual and the agency.

The hiring process may be initiated in accordance with established policies after Department of Human Resources approval of the reinstatement. To be reinstated to a non-Civil Service position, the individual must contact the appointing officer.

To resolve questions concerning adjusted entry date, leave accrual and sick leave balance, the hiring agency's human resources/personnel officer is asked to oversee the completion of AM-213- 1-1, a form to document this information for the employee and agency. Employees are requested to complete the top portion of the form at the time of reentry and return it to the human resources/personnel office of the hiring agency. The human resources/personnel office inserts the reentry date and forwards the form to the Central Payroll Division for completion. The form is returned to the hiring agency where it is reviewed and signed by the human resources/personnel officer. The human resources/personnel officer forwards a copy of the completed form to the Retirement Systems, gives a copy to the employee and the original becomes part of the employee's

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AM-213-1 Part 1

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Reinstatement

personnel record. Discrepancies should be resolved in a reasonable time frame; however, the employee has 18 months in which to place a claim to the hiring agency for prior creditable service.

SALARY DETERMINATION

An employee who is reinstated to a position within a year from the date of separation shall be reentered either at the classification's entry level salary or at one salary level lower than the employee's salary level which he/she had been receiving at the time of separation, whichever is higher. After placement on the salary scale, appropriate longevity moneys will be restored. Employees must observe a full eighteen (18) month period before moving to the next level.

PROBATION PERIOD

There is no probation period requirement for an employee who is reinstated to a previously held classification provided that the requirement was satisfied during the original appointment. Vacation may be used as it is earned.

BENEFITS DETERMINATION

Entry Date

The original entry date of an employee who is reinstated shall be restored and then adjusted for the period transpired between separation and reinstatement subject to the one year reinstatement period. This entry date will be the official entry date and will be the basis for determining vacation leave accrual rates and longevity based salary increments.

Sick Leave

An individual who is reinstated will be credited with 50% of sick leave balance that was not converted to cash at the time of termination. (See AM-205-7).

Upon reinstatement a former employee who voluntarily separated may not repurchase sick leave for which he/she was paid.

Health Care

The Employees Benefits Section of the Department of Human Resources must be contacted for information on the health care benefits available to a reinstated employee.

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AM-213-1 Part 1

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Reinstatement

Retirement Systems

The Employees' Retirement Systems must be contacted for information on Retirement System service credit for the reinstated employee.

DRUG/ALCOHOL TESTING AND PHYSICAL EXAM REQUIREMENT

Prior to reinstatement, all individuals are required to take pre-placement drug and alcohol screenings at the City of Baltimore Occupational Medical Services (Mercy Clinic) at 323 N. Calvert Street. The agency human resources/personnel office or designee must schedule an appointment for the testing by FAX: 410-332-0614. When reporting for the scheduled appointment, the individual must bring photo identification, along with the completed Management/HR Administration Drug/Alcohol Testing Order, (form # 28-1608-5156).

Only those individuals being considered for reinstatement in the following categories will be required to undergo physicals:

- All Commercial Drivers License (CDL) holders
- All employees who are required to frequently lift over 40 lbs.
- All health care workers
- All employees with potential exposure to hazardous materials, (ex. Chemicals, rodenticides, herbicides, lead, asbestos)
- All employees with exposure to noise in excess of 85 decibels
- All employees who are candidates for vaccination, (ex. hepatitis B, rabies)
- All employees who wear respirators

The agency human resources/personnel office or designee must schedule an appointment for the physical by FAX: 410-332-0614. For the scheduled appointment, the individual must bring photo identification, along with the completed Request for Services form (form #28-1608-5153) and the Management/HR Administration Drug/Alcohol Testing Order, (form # 28-1608-5156).

RELATED DOCUMENTS

AM-204-30 Part I DETERMINATION OF BENEFITS

AM-204-31 Part II DETERMINATION OF BENEFITS

AM-204-12 LENGTH OF SERVICE

AM-205-7 SEPARATION AND PAYMENT AT TERMINATION

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AM-213-1 Part 1

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Reinstatement

AM-205-9 REHIRING IN A CIVIL SERVICE CLASS AFTER LAYOFF

AM-205-13 LONGEVITY INCREMENT

AM 213-1, Part II SUBSEQUENT EMPLOYMENT

AM 213-1-1 REINSTATEMENT/SUBSEQUENT EMPLOYMENT RECORD

AM-231-1 HIRING AND TRANSFERS

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AM-213-1 Part 1

m

Reinstatement

SCOPE

An individual may be reinstated to a position in the same job classification from which he/she voluntarily resigned provided that not more than one (1) year has transpired since the employee's resignation. The position does not have to be in the same agency from which the employee resigned.

For reinstatement, the employee's entry date will be adjusted to reflect the period of absence. Vacation leave accrual rates and longevity-based salary increments will be based on the adjusted entry date. Any unpaid sick leave will be adjusted and restored.

If more than one (1) year has lapsed since the employee's resignation, the individual must follow the normal rules for applying for City government employment. Benefits are not restored. This policy, however, does not apply to the calculation of Employees' Retirement System service that is defined in Article 22 of the Baltimore City Code.

This Policy does not apply to City or Baltimore Police Department employees seeking reinstatement with the Baltimore Police Department.

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To be reinstated to a Civil Service position, an individual must contact the Department of Human Resources by letter relative to the request. If after investigation by the Department of Human Resources, it is determined that a position in the same classification from which the individual resigned is vacant, that funds are available for the position, and that the agency head wants to accept the employee, then the Department of Human Resources may approve the reinstatement request and notify the individual and the agency.

The hiring process may be initiated in accordance with established policies after Department of Human Resources approval of the reinstatement. To be reinstated to a non-Civil Service position, the individual must contact the appointing officer.

To resolve questions concerning adjusted entry date, leave accrual and sick leave balance, the hiring agency's human resources/personnel officer is asked to oversee the completion of AM-213- 1-1, a form to document this information for the employee and agency. Employees are requested to complete the top portion of the form at the time of reentry and return it to the human resources/personnel office of the hiring agency. The human resources/personnel office inserts the reentry date and forwards the form to the Central Payroll Division for completion. The form is returned to the hiring agency where it is reviewed and signed by the human resources/personnel officer. The human resources/personnel officer forwards a copy of the completed form to the Retirement Systems, gives a copy to the employee and the original becomes part of the employee's

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AM-213-1 Part 1

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Reinstatement

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SALARY DETERMINATION

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PROBATION PERIOD

There is no probation period requirement for an employee who is reinstated to a previously held classification provided that the requirement was satisfied during the original appointment. Vacation may be used as it is earned.

BENEFITS DETERMINATION

Entry Date

The original entry date of an employee who is reinstated shall be restored and then adjusted for the period transpired between separation and reinstatement subject to the one year reinstatement period. This entry date will be the official entry date and will be the basis for determining vacation leave accrual rates and longevity based salary increments.

Sick Leave

An individual who is reinstated will be credited with 50% of sick leave balance that was not converted to cash at the time of termination. (See AM-205-7).

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Reinstatement

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AM 213-1, Part II SUBSEQUENT EMPLOYMENT

AM 213-1-1 REINSTATEMENT/SUBSEQUENT EMPLOYMENT RECORD

AM-231-1 HIRING AND TRANSFERS

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AM-213-1 Part II

m ***Subsequent Employment after Voluntary Separation
from City Service***

SCOPE

Subsequent employment pertains to employees who resign after the effective date of this policy and return to City government employment in a different classification than they previously held, within one (1) year of their voluntary termination. This category is different from reinstatement because the individual is not returning to the same job classification. An employee returning to the same classification is covered under AM-213-1, Part I, Reinstatement.

For the subsequent employment category, the employee's entry date will be adjusted to reflect the period of absence. Any unpaid sick leave will be adjusted and restored. Vacation leave accrual rates will be based on the adjusted entry date and the Memorandum of Understanding for the employee's representation in the new job classification.

If more than one (1) year has transpired, the individual will be considered a new hire without an adjusted entry date. Benefits are not restored. This policy, however, does not apply to the calculation of Employees' Retirement System service that is defined in Article 22 of the Baltimore City Code.

This Policy does not apply to City or Baltimore Police Department employees seeking reinstatement with the Baltimore Police Department

SUBSEQUENT EMPLOYMENT PROCESS

An individual may be considered for the benefits of subsequent employment with City government provided that the person is hired to a different classification than previously held and not more than one (1) year has transpired since the employee's voluntary resignation from the City. For the purposes of hiring, the employee must follow the normal rules for applying for City government employment.

To resolve questions concerning adjusted entry date, leave accrual and sick leave balance, the hiring agency's human resources/personnel officer is asked to oversee the completion of AM-213-1-1, a form to document this information for the employee and agency. Employees are requested to complete the top portion of the form at the time of reentry and return it to the human resources/personnel office of the hiring agency. The human resources/personnel office inserts the reentry date and forwards the form to the Central Payroll Division for completion. The form is returned to the hiring agency where it is reviewed and signed by the human resources/personnel officer. The human resources/personnel officer forwards a copy of the completed form to the Retirement Systems, gives a copy to the employee and the original becomes part of the employee's personnel record. Discrepancies should be resolved in a reasonable time frame; however, the employee has 18 months in which to place a claim to the hiring agency for prior creditable service.

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AM-213-1 Part II

*m Subsequent Employment after Voluntary Separation
from City Service*

SALARY DETERMINATION

An employee who is hired to a position within one (1) year from the date of separation will be hired at the entry level grade of the class unless approved for higher salary by the Director of Human Resources in accordance with AM 205-1. For eligible employees, longevity increments based on years of service will be restored according to the adjusted entry date and the representative organization of the current job classification. Employees must observe a full eighteen (18) month period before moving to the next level.

PROBATIONARY PERIOD

The employee will be required to serve a probationary period if selected to fill a vacant position in the Classified Civil Service. The probationary period of six (6) months is required to assess the employee's competency to fulfill the duties of the position. The employee may not use earned vacation leave until the probationary period is satisfactorily completed. With the concurrence of the supervisor, sick leave or personal leave may be used during the probationary period.

BENEFITS

Entry Date

The original entry date of an employee who is subsequently employed shall be restored and then adjusted for the period transpired between separation and reentry, as long as the period is no longer than one (1) year. The adjusted entry date will be the basis for determining vacation leave accrual rates and longevity-based salary increments, as outlined in the new job classification.

Sick Leave

An individual who is subsequently employed will be credited with 50% of sick leave balance, which was not converted to cash at the time of termination. (See AM 205-7).

Upon re-entry, a former employee who voluntarily separated may not repurchase sick leave for which he/she was paid.

Health Care

The Employees' Benefits Section of the Department of Human Resources must be contacted for information on the health care benefits available for subsequent employment.

Retirement Systems

The Employees' Retirement Systems must be contacted for information on Retirement System service credit for the employee in the subsequent employment category.

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AM-213-1 Part II

*m Subsequent Employment after Voluntary Separation
from City Service*

DRUG/ALCOHOL TESTING AND PHYSICAL EXAM REQUIREMENT

In the subsequent employment category, all individuals are required to take pre-placement drug and alcohol screenings at the City of Baltimore Occupational Medical Services (Mercy Clinic) at 323 N. Calvert Street. The agency human resources/personnel office or designee must schedule an appointment for the testing by FAX: 410-332-0614. When reporting for the scheduled appointment, the individual must bring photo identification, along with the completed Management/HR Administration Drug/Alcohol

Testing Order, (form # 28-1608-5156).

Only those individuals being considered for subsequent employment in the following categories will be required to undergo physicals:

- All Commercial Drivers License (CDL) holders
- All employees who are required to frequently lift over 40 lbs.
- All health care workers
- All employees with potential exposure to hazardous materials, (ex. Chemicals, rodenticides, herbicides, lead, asbestos)
- All employees with exposure to noise in excess of 85 decibels
- All employees who are candidates for vaccination, (ex. hepatitis B, rabies)
- All employees who wear respirators

The agency human resources/personnel office or designee must schedule an appointment for the physical by FAX: 410-332-0614. For the scheduled appointment, the individual must bring photo identification, along with the completed Request for Services form (form #28-1608-5153) and the Management/HR Administration Drug/Alcohol Testing Order, (form # 28-1608-5156).

RELATED DOCUMENTS

[AM-204-12](#) LENGTH OF SERVICE

AM-204-30 Part I DETERMINATION OF BENEFITS AM-204-

31 Part II DETERMINATION OF BENEFITS [AM-205-1](#)

SALARY

AM-205-7 SEPARATION AND PAYMENT AT TERMINATION AM-205-

13 LONGEVITY INCREMENT

[AM-213-1, Part I](#) REINSTATEMENT

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AM-213-1 Part II

*m Subsequent Employment after Voluntary Separation
from City Service*

[AM-213-1-1](#) REINSTATEMENT/SUBSEQUENT EMPLOYMENT RECORD

AM-231-1 HIRING AND TRANSFERS

AM-236-1 PROBATIONARY PERIOD

***Out-of-Title Work
(Substitution)
Part I***

LABOR EMPLOYEES

SCOPE

Out-of-title work is intended to be temporary in nature. The rules of the Civil Service Commission governs the filling of permanent positions. An employee may not voluntarily perform the duties of the out-of-title class nor be assigned these duties without receiving out-of-title compensation.

ELIGIBILITY

A labor employee is an employee who is appointed from a certified employment list of eligible to a labor position.

A labor employee will receive out-of-title compensation provided that all of the following conditions are met:

- The employee has been officially assigned to perform the job duties of a higher class, and:
 - Is currently serving in lieu of the higher class; OR
 - Is not serving in lieu of the higher class is absent for 1 of the following reasons:
 - Illness or incapacitation.
 - Leave of absence.
 - Vacation, personal, sick, or compensatory leave.
 - On temporary loan to another agency.
 - No longer employed in that position by the agency, and the position is therefore vacant.
- If the position is to be filled on a permanent basis, the agency must submit an official request to fill the position. If an employment list exists, agencies must

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AM-214-1

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***Out-of-Title Work
(Substitution)
Part I***

begin the selection process immediately.

- The employee has not received out-of title pay cumulatively for more than 120 work days in the current fiscal year.
- The agency head certifies that funds are available in the budget to cover the increased cost.

CIVIL SERVICE APPROVAL

The Civil Service Commission must approve all out-of-title assignments which involve increases of 5 or more salary grades prior to the beginning of the assignment.

The agency must address a MEMO {28-1418-5007} and a completed POSITION DESCRIPTION form {28-1618-5064} to the Classification Division of the Civil Service Commission requesting a review of the out-of title work being performed. If Civil Service determine that the employee is assuming all the duties and responsibilities of the higher class, the payment of out-of-title compensation will be approved.

The Central Payroll Division and the agency will be notified by Civil Service of all approved requests.

Note: For purposes of computing the number of salary grades involved when an employee moves between union or employee groups, salary grade 40 should be considered equivalent to salary grade 110.

AMOUNT OF COMPENSATION

A labor employee who is eligible for out-of-title pay will receive the rate of the salary level in the grade of the higher class immediately above his existing rate of pay plus longevity, if applicable. If the resulting increase is less than 5¢ per hour, the employee will be paid at the next higher level, provided such increase does not exceed the maximum rate of the higher class.

EFFECTIVE DATE

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AM-214-1

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***Out-of-Title Work
(Substitution)
Part I***

Labor employees eligible for out-of title pay will receive the higher rate of pay effective the first hour of assignment to the higher class.

Payment of out-of-title compensation may be made in units of less than whole days, but not less than ½ hour.

MAXIMUM ALLOWABLE DAYS

The maximum allowable days for which out-of-title pay is authorized is 120 cumulative work days per fiscal year.

APPROVALS

60 WORK DAYS OR LESS

Agency or bureau heads must approve out-of-title work for 60 work days or less by certifying on a PAYROLL ATTENDANCE REPORT (147-019) {AM-204-16-1} or a WEEKLY PER DIEM TIME SHEET (147-020) that such work has been performed.

MORE THAN 60 WORK DAYS

Out-of-title work beyond 60 work days must be approved by the Expenditure Control Committee (ECC) prior to the 61st day of performance of such work by an employee.

Requests from agency or bureau heads for such work may be granted by the ECC for any of the reasons cited in the applicable “ELGIBILITY” section of this policy.

CERTIFICATION DEADLINE

Agency or bureau heads must certify out-of-title work has been performed during the pay period in which the employee was authorized by the agency or bureau head to perform such work.

LATE CERTIFICATIONS

Failure of the agency or bureau head to certify out-of-title pay during the current pay period requires ECC approval before payment can be authorized when the employee is continuing to perform out-of-title duties. The appointing officer should send a MEMO to the Civil Service

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AM-214-1

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***Out-of-Title Work
(Substitution)
Part I***

Commission outlining the circumstances of the failure to certify; the Civil Service Commission will forward its recommendation to the Expenditure Control Committee. This request is limited to the period not certified by the agency or bureau head.

In cases where the agency or bureau head approved the out-of-title work to be performed, but failed to certify the performance of such work, and the employee is no longer performing the out-of-title duties, then the agency or bureau head must send a MEMO to the Civil Service Commission outlining the circumstances surrounding the failure to properly certify the out-of-title work performed; the Civil Service Commission will forward its recommendation to the ECC. If favorably reviewed by the ECC, then the approval of the Board of Estimates is necessary before payment can be authorized.

HOLIDAYS AND LEAVE DAYS

Out-of-title pay will not be authorized for labor employees for leave days or holidays.

EMPLOYEES LISTS

The Bureau of Management Information Systems (BOMIS) will generate every payroll period a list which contains the names of employees who have worked 60 to 120 cumulative work days during the current fiscal year in an out-of title assignment. Bomis will forward this list to the Central Payroll Division for distribution to agency bureau heads and the Department of Audits.

Agency heads are responsible for ensuring that the limits stated within this policy for the performance of out-of-title work are not exceeded.

AUTOMATIC PAY REDUCTION

The Central Payroll Division will automatically reduce an employee's pay to the employee's appropriate salary and grade level when the employee attains 120 cumulative work days during the fiscal year in an out-of-title assignment.

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AM-214-1 Part II

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Out-of-Title Work (Substitution)

SCOPE

This policy describes the approval of and compensation for out-of-title (substitution) work when certain categories of employees are temporarily assigned the duties of a higher classification. This part of AM-214-1 only applies when the employee is neither in a non-competitive labor classification (see Part I) nor performing the duties of an agency or bureau head (see Part III).

ELIGIBILITY

An out-of-title assignment may be made **only when one of the following conditions exist:**

- The incumbent in a budgeted position with a higher classification has been assigned to the duties of another position or is absent due to leave of absence, illness, incapacitation, or the use of leave,

OR

- A budgeted position is vacated because of a retirement, resignation, termination, or transfer and no list of eligible candidates for the classification exists. (The agency head must request an examination for the classification from the Civil Service Commission [CSC].)

In addition, eligibility criteria require that **the employee selected for the assignment must:**

- Meet the minimum qualifications of the higher classification.
- Receive a MEMO (28-1418-5017) from the agency or bureau head assigning out-of-title work.
- Assume the full range of responsibilities and duties of the out-of-title classification.

An employee may not voluntarily perform the duties of an out-of-title class or be assigned those duties without receiving out-of-title compensation.

Special Provision

When a position is unexpectedly vacated and a list of eligible candidates for the classification exists, an out-of-title payment for no more than 20 consecutive working days may be allowed. This gives an agency the opportunity to make an out-of-title assignment while it proceeds to fill the vacant position. Agencies wishing to make an out-of-title assignment under these circumstances must submit an OUT-OF-TITLE PAY REQUEST (28-1408-5159) to CSC regardless of the number of grades between the grade of the higher class and the regular grade of the assigned employee. The 20-day limit also applies when an eligible list becomes available during an approved out-of-title assignment.

Out-of-Title Work (Substitution)

OVERVIEW

The procedure for approving an out-of-title assignment depends on the numerical difference between salary grades (when comparing the grade of the higher class and the regular grade of the assigned employee) and on the length of the assignment. Key differences regarding approval are summarized in the following chart and explained in subsequent sections of this policy.

	<u>Grade difference of 6 or less</u>	<u>Grade difference of 7 or more</u>
Verification that the employee meets minimum qualifications for the higher class	Agency head (for initial period)	CSC
Approval of initial 120-day period	Agency head	CSC
Approval of 60-day extension	CSC and Expenditure Control Committee (ECC)	CSC and ECC
Approval of late requests	CSC and ECC	CSC and ECC

CSC must approve out-of-title assignments when either the employee's regular grade or the out-of-title grade is 000 or 999. Also, CSC must approve out-of-title assignments when the assignment is to or from a position in the 600 grade series. See "DIFFERENCE IN UNION GROUP" section if an out-of-title assignment is made to a class represented by an employee group other than the assignee's regular group.

LENGTH OF OUT-OF-TITLE ASSIGNMENT

An out-of-title assignment should normally last no more than 120 cumulative working days during a fiscal year. One extension of up to 60 cumulative work days may be granted by CSC and ECC.

APPROVAL OF INITIAL ASSIGNMENT

Grade Difference of 6 or Less

The **agency or bureau head is authorized to approve** an out-of-title assignment when there are **6 or fewer grades** between the grade of the higher class and the regular grade of the assigned employee and when the assignment is for **120 or fewer working days**. The agency or bureau head must:

- Verify that the assigned employee meets the minimum qualifications (including any licenses or other certification) of the higher class.

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AM-214-1 Part II

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Out-of-Title Work (Substitution)

- Give the employee a MEMO formally assigning out-of-title work. This MEMO must contain the job number of the higher class position.
- Certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (147-015) (see section entitled "SUBMISSION OF PAYROLL").

Grade Difference of 7 or More

The CSC **must approve** out-of-title assignments when there are **7 or more grades** between the grade of the higher class and the regular grade of the assigned employee. Agencies seeking such approval must submit a completed OUT-OF-TITLE PAY REQUEST to the Classification Division of CSC before assigning an employee to work out-of-title. If the out-of-title assignment is to a position in a classification series other than the assignee's regular position, the agency must also submit a completed POSITION DESCRIPTION (28-1618-5064) to describe the duties performed by the assignee.

CSC will notify both the agency and the Central Payroll Division (CPD) if it approves the request. The agency or bureau head must then give the employee a MEMO formally assigning out-of-title work. This MEMO must contain the job number of the higher class position. The agency or bureau head must also certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (see section entitled "SUBMISSION OF PAYROLL").

APPROVAL OF 60-DAY EXTENSION PERIOD

Both the CSC and ECC **must approve all out-of-title assignments lasting more than 120 working days within a fiscal year**. Agencies seeking an extension must submit a completed OUT-OF-TITLE PAY REQUEST and a POSITION DESCRIPTION to the Classification Division of the CSC at least 30 days before the end of the initial 120-day period.

CSC may disapprove the request to extend an out-of-title assignment. Before assigning a second employee to the same out-of-title duties (even though the grade difference is 6 or less), the agency must follow the application guidelines outlined in this section.

ECC will notify both the agency and the CPD if it approves the extension. The agency or bureau head must then give the employee a MEMO formally extending the out-of-title assignment. This MEMO must contain the job number of the higher class. The agency or bureau head must also certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (see section entitled "SUBMISSION OF PAYROLL").

If CSC or ECC disapproves the extension and the employee worked in the out-of-title assignment while the request was under consideration, the employee will receive the out-of-title pay rate

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AM-214-1 Part II

m ***Out-of-Title Work (Substitution)***

through the date that the agency is notified of the disapproval. The agency must immediately remove the employee from the out-of-title assignment.

LATE REQUESTS FOR INITIAL APPROVAL, EXTENSION, OR COMPENSATION

Any of the following circumstances cause a request for out-of-title compensation to be considered late:

- A request for approval of an **initial period** of out-of-title work when the grade difference is 7 or more is received by CSC 30 calendar days after the beginning of the assignment.
- A request for an **extension** of an out-of-title assignment is received by CSC less than 30 calendar days before the end of the initial 120-day period.
- The agency or bureau head **fails to properly certify** the out-of-title performance on the PAYROLL ATTENDANCE REPORT and to correct the omission by submitting an adjustment MEMO to CPD in time for the subsequent payroll.

All late requests must be approved by ECC.

Agencies seeking approval of a late request must submit a completed OUT-OF-TITLE PAY REQUEST and a POSITION DESCRIPTION to the Classification Division of the CSC. They must complete the relevant section of the REQUEST to explain why it is late.

COMPENSATION

An employee approved for an out-of-title assignment will receive a **1^{1/3}% increase for each salary grade difference** when comparing the grade of the higher class to their regular grade. (When either salary grade is 000 or 999, the assigned employee will receive a straight 4% increase.) Compensation may not, however, exceed the maximum salary of the higher class adjusted for any longevity compensation to which the employee is entitled.

The out-of-title salary rate will not be used in payments such as sick leave conversion or special compensation negotiated by a union or employee group. Nor will it be paid when the employee is on leave for full days during the out-of-title assignment. (These full leave days will not be counted when computing the number of days the employee has worked out-of-title.) The out-of-title salary rate will be paid for holidays when the employee is paid the out-of-title rate on the work days immediately before and after the holiday.

Refer to the employee's regular union or employee group agreement to determine when out-of-title compensation begins.

Out-of-Title Work (Substitution)

In addition to a pay increase, the employee may cite (with appropriate documentation) the experience gained while working out-of-title to qualify for CSC promotion or eligibility lists based on training and experience.

DIFFERENCE IN UNION GROUP

When an employee is assigned to work out-of-title in a class in another union or employee group, the following grades are equivalent: 90, 110, 440, and 540. Also, grade 410 is equivalent to grade 65. Employees working out-of-title retain those attributes associated with their regular class such as Fair Labor Standards Act status, maximum accumulated leave, health benefits, survivor benefits, and separation pay.

COMPENSATION EXAMPLES

<u>Same Employee Group</u>		<u>Different Employee Group</u>	
A. Out-of-title grade	84	A. Out-of-title grade 110, equivalent to grade 90	
B. Employee's current grade	<u>75</u>	B. Employee's current grade	<u>87</u>
C. Grade difference (A - B)	9	C. Grade difference (A - B)	3
D. Difference x 1 1/3 (C x 1 1/3)	12%	D. Difference x 1 1/3 (C x 1 1/3)	4%
E. Employee's current daily rate	\$77.40	E. Employee's current daily rate	\$120.25
F. Out -of-title increase (D x E)	<u>\$ 9.29</u>	F. Out -of-title increase (D x E)	<u>\$ 4.81</u>
G. Out-of-title daily rate	\$88.69	G. Out-of-title daily rate	\$125.06

SUBMISSION OF PAYROLL

In order for an employee to receive appropriate compensation for an out-of-title assignment, the agency or bureau head must certify the out-of-title work on the PAYROLL ATTENDANCE REPORT. The following markings must appear:

- In **black ink**, enter the total number of out-of-title regular days worked in the pay period in the "Out-of-Title Days" column.
- In **black ink**, enter the out-of-title class number in the "Out-of-Title Class" column.
- In **red ink**, enter the total number of out-of-title overtime hours worked in the pay period in the "Out-of-Title Days" column.
- In **red ink followed by the letter "D,"** enter the total number of out-of-title double-time overtime hours worked in the pay period in the "Out-of-Title Days" column.

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AM-214-1 Part II

m ***Out-of-Title Work (Substitution)***

- In **black ink**, enter the total number of out-of-title hours worked for compensatory time in the "Comp Time" column.
- Enter the job number of the out-of-title class and the dates of the out-of-title work (if less than all work days in the pay period) in the remarks column.

The agency or bureau head must initial these entries in the remarks column.

REPORT ON NUMBER OF OUT-OF-TITLE DAYS WORKED

The Bureau of Management Information Systems (BOMIS) will generate a listing of employees who have worked in out-of-title assignments for more than 80 cumulative work days in the current fiscal year. The listing will be forwarded to CSC and to CPD for distribution to agency heads on a bi-weekly basis. Agency heads must ensure that the time limits stated within this policy are not exceeded.

RELATED POLICIES

AM-214-1, Part I Out-of-title Work (Substitution) – Labor Employees
AM-214-1, Part III Out-of-title Work (Substitution) – Acting Agency or Bureau Heads

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AM-214-1 Part III

m ***Acting Agency or Bureau Heads Out-of-Title Work
(Substitution)***

SCOPE

This section governs out-of-title compensation for acting agency or bureau heads. An employee may not voluntarily perform the duties of the out-of-title class nor be assigned these duties without receiving out-of-title compensation. Out-of-title work is intended to be temporary in nature and is the result of a position becoming vacant. Out-of-title compensation can also be received by an employee subject to the eligibility requirements of this policy if the incumbent agency or bureau head is incapacitated, or otherwise not available, for a period which exceeds 30 consecutive calendar days.

ELIGIBILITY

An employee who has been officially assigned by a written MEMO from the appropriate appointing authority to perform the job duties an agency or bureau head will receive out-of-title compensation provided that all of the following conditions are met:

- The position of agency or bureau head has become vacant and the employee has performed the duties of the higher class for 30 consecutive days.
- A certified list of eligibles is not available from the Civil Service Commission. If a list is not available, steps must be initiated by the appropriate appointing authority to fill the position permanently subject to the rules of the Civil Service Commission.
- The appointing officer responsible for the vacant position has submitted to the Civil Service Commission a REQUEST FOR CERTIFICATION OF ELIGIBLES, if available, or a REQUEST FOR EXAMINATION, if applicable.

AMOUNT OF COMPENSATION

An employee fitting the definition of out-of-title work and pursuant to the eligibility requirements will be compensated by an amount equal to 50% of the difference between the present salary being earned by the employee in his permanent position and classification and the amount the employee would be paid if promoted to the higher class.

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AM-214-1 Part III

m ***Acting Agency or Bureau Heads Out-of-Title Work
(Substitution)***

EFFECTIVE DATES

An employee authorized for out-of-title pay will receive the higher rate of pay effective the first full payroll period following the 30 consecutive calendar days period of performing the duties of the higher class or following the request for an eligible list, whichever occurs last.

Compensation for out-of-title pay ceases when a new appointee assumes the duties of the position or the appointing officer terminates the out-of-title assignment.

IMPLEMENTATION

To implement the out-of-title salary change, a **CHANGE NOTICE** (28-1618-5143) {AM-205-4-5} must be submitted to the Civil Service Commission for subsequent forwarding to the Central Payroll Division. No written entries are required on the PAYROLL ATTENDANCE REPORT.

At the conclusion of the out-of-title assignment, a **CHANGE NOTICE** must be processed through the Civil Service Commission to the Central Payroll Division. This notice adjusts the employee's out-of-title pay to the rate of his permanent position and classification.

m ***Employee Assistance Program*****SCOPE**

The Department of Human Resources, Employee Assistance Program (EAP), is a counseling service available to all permanent employees within all departments of the City, excluding all employees of the Baltimore City Public School System, Fire Department, and uniformed members of the Police Department.

The EAP is designed to assist employees who are experiencing personal problems which are interfering with job performance or attendance. These problems may include:

- Alcohol or drug abuse
- Mental health
- Family
- Financial
- Health
- Stress

EMPLOYEE ASSISTANCE PROGRAM

The EAP is staffed by mental health professionals with a variety of clinical experience and training in psychology and addictions who will:

- Assist the employee in determining the nature and severity of the problem.
- Provide short term, solutions-focused counseling.
- Refer the employee to the appropriate treatment resource.
- Monitor the progress of the employee.
- Notify the employee's supervisor (under certain circumstances) of the employee's participation in the EAP.

REFERRALS TO EAP**Self-Referral**

An employee may refer himself/herself to the EAP without informing the supervisor. In such cases, the employee shall request to use his/her leave to attend the appointment. An employee may also request that the supervisor make the referral, in which case the supervisor may require that the employee uses his/her leave.

m ***Employee Assistance Program*****Supervisory Referral**

A supervisor may refer an employee to the EAP when there is a work-related problem, such as poor attendance or job performance. In addition, a referral may be made if an employee violates the Substance Abuse Control Policy or the Workplace Violence Policy. An employee who is referred by his/her supervisor will be allowed time off with pay to attend the initial evaluation interview with the EAP.

CONFIDENTIALITY

Except when required by federal law or City policy, all contacts with the EAP are confidential. No employee shall have his job security or promotional opportunity jeopardized by using the EAP. For a supervisory referral, the counselor informs the supervisor if the employee fails to keep the appointment or is late, forcing the appointment to be rescheduled. If the employee keeps the appointment, a slip is given to the employee at the end of the session which indicates the date of the appointment, arrival and departure time and if a follow-up appointment is made.

SUPERVISOR'S RESPONSIBILITIES

Supervisors are responsible for:

- Informing their employees about the EAP and its purposes and encouraging those who may be experiencing personal problems to seek assistance from the EAP.
- Referring their employees to the EAP when job performance or attendance problems have not been corrected by normal disciplinary and corrective procedures.
- Referring those employees who violate the City's Substance Abuse Control Policy and Workplace Violence Policy.
- Adhering to the provisions of AM-204-14 in granting sick leave for employees seeking treatment for alcohol or drug abuse, or other personal problems.

EMPLOYEE'S RESPONSIBILITIES

Employees are responsible for:

- Seeking help for any personal problem that is causing or may cause unsatisfactory job performance or attendance problems.
- Complying with treatment recommendations made by the EAP, particularly in the case of mandated referrals under a Work Improvement Plan (i.e., the Substance Abuse Control Policy and the Workplace Violence Policy).

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AM-224-1

m ***Employee Assistance Program***

LOCATION

The Employee Assistance Program is located at 201 East Baltimore Street, Suite 400, Baltimore, Maryland 21202. To make an appointment, call 410-396-1859.

RELATED POLICIES

[AM-203-2](#) Family and Medical Leave

[AM-204-14](#) Sick Leave

Sexual Harassment

The City of Baltimore (“City”) does not tolerate workplace sexual harassment, whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by persons doing business on behalf of the City. Sexual harassment violates an employee’s fundamental rights and personal dignity, as well as state and federal law. Sexual harassment may also adversely affect an employee’s productivity and morale.

I. PURPOSE

The purpose of this policy is to define sexual harassment, provide guidelines to an employee who believes that they have been subjected to sexual harassment, provide procedures that management can use to investigate sexual harassment claims, and ensure that violations are remedied.

II. SCOPE

This Policy applies to all City employees, including regular full and part-time, probationary, seasonal, temporary, at-will, as well as elected officials and their appointed staff. Additionally, independent contractors, vendors, volunteers, and visitors must refrain from engaging in behavior that violates this Policy.

III. SEXUAL HARASSMENT DEFINED

“Unwelcome sexual advances, request for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic sexually oriented materials using the City’s equipment or facilities;

Sexual Harassment

- Engaging in indecent exposure;
- Making sexual or romantic advances toward an employee and persisting despite the employee’s rejection of the advances;
- Unwanted sexual jokes, flirtations, or propositions, or obscene comments or gestures of a sexual nature made in the presence of others;
- Unwanted or suggestive leering, whistling, pinching, or insulting; or
- Inappropriate comments based on an employee’s sex (e.g., commenting on an employee’s menstrual cycle or private body parts).

These types of behavior are unacceptable at any City work location, or in such work settings as business trips, and at business related social events. All City employees, and particularly managers and supervisors, have a responsibility for keeping the work environment free of harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

IV. RESPONSIBILITIES

A. Employees

If an employee believes that they have been subjected to sexual harassment or any unwanted sexual attention, they should:

1. Make their unease and/or disapproval directly and immediately known to the harasser as soon as feasible;
2. Make a written statement of the date, time, and nature of the incident(s) and the names of any witnesses; and
3. Report the incident to either the Agency Equal Opportunity Compliance (“EOC”) Officer or designee, Human Resources Personnel, or a Supervisor. It is not required that the employee report their claim of harassment to more than one of the persons identified immediately above.

An employee should follow the procedures delineated in *AM 226-1-1, Agency Internal Complaint*, or file a complaint with one of the following outside Agencies: Baltimore City Community Relations Commission, Maryland Human Relations Commission, or U.S. Equal Employment Opportunity Commission, by following the procedures delineated in *AM 226-1-2, Outside Agency Complaint*. It is not a requirement to file an internal complaint prior to filing an outside Agency complaint.

Sexual Harassment

All incidents of sexual harassment or inappropriate sexual conduct should be reported regardless of their seriousness.

B. Supervisors

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their sections whether or not there has been a written or formal complaint.

Supervisors must:

- Act promptly to ensure that the harassment or inappropriate sexually oriented conduct is reported immediately to the Agency’s EOC Officer or Human Resources Personnel, regardless of whether the individual filing the complaint (“complainant”) wants the supervisor to do so; and
- Take corrective action to prevent any prohibited conduct from reoccurring in the workplace.

Supervisors who knowingly allow or tolerate sexual harassment are in violation of this Policy and shall be subject to disciplinary action.

C. EOC Officer

An employee within each Agency shall be designated as an EOC Officer. Additionally, each Agency shall also designate an Alternate EOC Officer.

The EOC Officer shall inform the complainant and the accused individual (“respondent”) that the City takes complaints of sexual harassment seriously and will thoroughly investigate each claim of sexual harassment. The EOC Officer shall be responsible for:

- Explaining the City’s sexual harassment Policy and investigation procedures to the complainant and the respondent;
- Conducting an investigation of the alleged harassment and preparing a written report and recommendation, which may include exploring informal means of resolving the complaint;
- Referring the complainant and/or the respondent to the Employee Assistance Program (“EAP”) for counseling and referral services, if appropriate; and
- Notifying the police if criminal activities are alleged.

The Department of Human Resources (“DHR”) will coordinate training for Agency EOC Officers to ensure their understanding of equal employment opportunity laws and sexual harassment statutes. In cases of sexual harassment, the primary responsibility of the EOC Officer shall be to receive complaints of sexual harassment and to process them according to these procedures.

Sexual Harassment

In addition, the EOC Officer shall promote sensitivity to the problem of sexual harassment, e.g., obtaining brochures for distribution, requesting speakers for supervisory meetings, and including harassment as a training topic for staff development.

Each current and future employee of the Agency shall be advised either at the time of employment or upon adoption of these standards, whichever is appropriate, of the identification of the Agency EOC Officer and Alternate EOC Officer. The EOC Officer shall conduct interviews with employees in a professional and objective manner and must assure confidentiality to the extent practical and appropriate under the circumstances.

D. Law Department

The Law Department staff will offer advice at any step of this procedure. If there are specific issues that require consultation, contact the Law Department at (410) 396-3297.

To assist the Law Department's Labor, Employment & Personnel Division, a quarterly listing of pending EEO Complaints should be prepared and submitted by each Agency to the City Solicitor. This information will assist the Labor, Employment & Personnel Division in determining sections, areas, or classifications where there are specific problems involving a group.

The Law Department must be consulted if the EOC Officer suspects any validity to the charges.

The Law Department may assist in negotiating a settlement, in implementing remedies, or in recommending corrective action. The Director of DHR should be notified as early as possible if a settlement or court order includes rehiring a person to a classified position, recommends sanctions, or orders changes in Agency procedures.

V. COMPLAINT DECISIONS

Decisions made regarding complaints of sexual harassment are usually expressed as findings of "probable cause" or "no probable cause." Probable cause is when there is reasonable ground to believe that the charges of harassment on the basis of sex are valid. No probable cause is when there is reasonable ground to believe that the charges of harassment on the basis of sex are untrue and without basis in fact.

A regulatory Agency finding of "no probable cause" is accompanied by a "RIGHT TO SUE NOTICE." Even if the outside Agency finds no probable cause, the complainant has a right to sue the employer under Title VII of the Civil Rights Act of 1964, assuming a timely charge was filed. The complainant may exercise a right to sue in federal court within ninety (90) days upon receipt of a decision rendered by the regulatory Agency.

Sexual Harassment

VI. RETALIATION

No employee will be subject to, and it is the City’s Policy to strictly prohibit, any form of discipline in retaliation for reporting any incident or situation of discrimination or harassment, pursuing any claim of discrimination or harassment, or otherwise participating or cooperating in any investigation of a complaint of discrimination or harassment.

VII. LIABILITY

All efforts should be made to identify problems and resolve complaints in an expeditious and unequivocal manner. The failure of an employee to complain to Agency administration or management does not insulate the City from liability for the supervisor’s conduct.

VIII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

IX. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

X. RELATED POLICIES

- AM 204-18 Equal Employment Opportunity
- AM 226-1-1 Procedure for Agency Internal Complaint
- AM 226-1-2 Procedure for Outside Agency Complaint

m ***Procedure for Agency Internal Complaint***

RESPONSIBILITY

ACTION

**EMPLOYEE/
COMPLAINANT**

1. File a complaint with the Agency EOC Officer. (If complainant concludes or otherwise believes that reporting the incident to the Agency EOC Officer is not convenient or comfortable, the incident may be reported to a supervisor or Human Resources Personnel.

AGENCY EOC OFFICER

2. Inform the complainant that they have 300 days to file a charge with an outside Agency.
3. Ask basic questions to ascertain the general nature of the complaint.
4. The initial investigation should begin immediately, but no later than three (3) working days from the receipt of the complaint. Collect all relevant information from the complainant to determine whether the complaint is based upon the definition of sexual harassment. If there is sufficient information to indicate that a valid complaint has been made, PROCEED TO STEP 6.
5. If there is not sufficient information, the PROCEDURE ENDS HERE. Explain the reasons for ending the procedure to the complainant. File a report containing the name, date, description of complaint, and reason for concluding that there is insufficient information to proceed. This should be done within ten (10) days of receipt of the complaint. Remind the complainant of their right to file an external complaint.
6. Determine the scope of the investigation, i.e., who to contact for information, what questions to ask, what documents to request, and the order in which interviewing will be conducted.
7. Proceed with the investigation, to ascertain validity of the allegations made in the complaint.

m Procedure for Agency Internal Complaint

RESPONSIBILITY

ACTION

**DESIGNATED
PANEL/AGENCY EOC
OFFICER**

8. Finalize a draft containing the findings within ten (10) days of receipt of the initial complaint. The draft document should include the nature of the complaint, results of interviews, findings and conclusions, and recommendation for disciplinary action if warranted.

9. Department Head or their designee shall review the final draft within three (30 days of receipt and shall forward any comments, suggestions, or recommendations to the Agency EOC Officer for finalization. The findings shall be finalized and signed by the Agency EOC Officer and Department Head within two (2) days.

AGENCY EOC OFFICER

10. If the complaint is upheld, the recommended resolution is implemented immediately. If the complaint is not upheld, no action is taken.

11. Discuss the findings with the parties and remind each party of appropriate behavior and standards for the work environment.

12. If disciplinary action is taken, the extent of discipline will depend upon the nature and severity of the sexual harassment.

m ***Procedure for Outside Agency Complaint***

RESPONSIBILITY

ACTION

AGENCY HEAD/EOC OFFICER

1. Upon receipt of a cover letter and form from the Outside Agency, the cover letter and form shall be given to the Agency EOC Officer unopened. The letter or form will contain the following information:
 - a. The name of the complainant;
 - b. The nature of the allegations;
 - c. The information and/or documents requested by the Outside Agency for review; and
 - d. The deadline for returning the requested information.
2. Review the letter or form and determine:
 - a. The organizational unit(s) to prepare the requested information;
 - b. The deadline for returning information and/or documents;
 - c. The extent of content detail to be used in responding to request; and
 - d. If an extension of time is necessary to prepare a response to the Outside Agency.

AGENCY EOC OFFICER

3. Collect facts and data which will document the Agency's position at any hearing or interview.
4. Collect the requested information and assure that the responses correctly address the requested information in the letter or form. The information is drafted into a document whose format corresponds with the request.

AGENCY HEAD/EOC OFFICER

5. Review draft of the response and discuss the validity of the allegations as necessary.
6. The final document is prepared and signed by Agency EOC Officer and/or Agency Head.
7. The final document is copied and the original mailed or delivered to the Outside Agency and a copy is sent to the Law Department.

m Procedure for Outside Agency Complaint

RESPONSIBILITY

ACTION

OUTSIDE AGENCY

The Agency EOC Officer has not control over the procedures or processes used by the Outside Agency. Typically, however, the Outside Agency will:

- 8. Conduct an investigation of this complaint to include a hearing or pertinent interviews, depending upon the Agency's procedure after the information requested is returned. The Outside Agency may resolve the charge through a written agreement at any stage of the complaint procedure.
- 9. Conduct hearing(s) or interview(s) as necessary in designated offices. The Agency EOC Officer and/or other employee(s) and supervisor(s) must attend the hearing(s). The Law Department should be notified of any scheduled hearing(s).
- 10. Upon completion of the hearing, the Outside Agency will submit their findings and decision to the Agency in writing.

AGENCY HEAD

- 11. Accept the findings and decision and take the recommended action or appeal the decision.

Workplace Violence Policy

PURPOSE

The City of Baltimore (City) recognizes that workplace violence is a growing issue nationally that must be addressed by all employers. The purpose of this policy is to heighten employee awareness of workplace violence and to provide guidance for employees and management to address the occurrence of workplace violence and its consequences in the workplace. Consistent with this policy, acts or threats of damage to property or physical violence, including intimidation, harassment, and/or coercion, which involve or affect Baltimore City Government, its officials, employees, agents, and volunteers, will not be tolerated. At the same time it should be clearly stated that retaliation of any kind against an employee who reports an incident of workplace violence is strictly prohibited. If retaliation is alleged and an investigation confirms it occurred, severe disciplinary action will follow.

POLICY INTENT

The City of Baltimore is committed to promoting and ensuring the health and safety of its employees. To solidify that commitment the adoption of this Policy guarantees that each reported incident of Workplace Violence will be thoroughly investigated and, if the investigation warrants, the accused employee will be subject to discipline that includes suspension and/or a recommendation for termination. **Workplace violence in any form will not be tolerated nor permitted by the City.** Each department and agency director shall assure that all information regarding workplace violence is disseminated and understood by all employees.

SCOPE

The procedures and provisions of this policy apply to all employees and individuals involved in the City's operation, including but not limited to vendors, contractors, agents, temporary workers, volunteers, and anyone else on Baltimore City Government property, as well as employees and individuals acting as a representative and/or conducting business on behalf of the City while away from City property. Any violent actions committed by employees while on City property or while acting as a representative of the City while away from City property will lead to disciplinary action and/or prosecution. The City understands the sensitivity of the scope of this policy and will attempt to maintain confidentiality to the extent permitted by law.

POLICY OBJECTIVES

The objectives of this policy are to achieve the following:

- To reduce the potential for violence in and around the workplace.
- To encourage and foster a work environment that is characterized by respect and healthy conflict resolution.

Workplace Violence Policy

- To mitigate the negative consequences for employees who experience or encounter violence in their work lives.
- To educate employees on the consequences of workplace violence.

DEFINITIONS

An employee is defined as any individual employed by and paid by the City of Baltimore. This includes hourly and salaried workers, supervisors, managers, Department Heads, Bureau and Agency Chiefs and Elected Officials and their appointed employees.

A threat is a statement or act intended to inflict harm or injury on any person, or on his or her property. Threats also include words or actions intended to intimidate another person or to interfere with the performance of his or her official duties (e.g., standing in front of a corridor with a menacing posture and not permitting a coworker to enter a room).

An assault is any willful attempt to inflict injury on the person of another, when coupled with an apparent ability to do so, or any intentional display of harm. Note: an assault may be committed without touching, striking, or doing bodily harm to another person (e.g., throwing a brick at a person that does not actually strike the person).

Acts or Threats of Violence include, but are not limited to, assault, battery, damage to property, harassment and stalking.

Work Site or Workplace - Any location whether owned or leased by the City or any other location not owned or leased by the City where a City employee, vendor, contractor, agent, temporary worker, or volunteer is carrying out the responsibilities and duties of his/her job on behalf of Baltimore City Government.

The Office of the Inspector General was created to conduct and supervise objective and independent audits, reviews, and investigations relating to the City of Baltimore programs and operations to, among other duties, prevent and detect fraud, waste, and abuse and misconduct and review and respond to complaints from employees and the citizens of Baltimore.

EXAMPLES OF WORKPLACE VIOLENCE

General examples of prohibited workplace violence include, but are not limited to, the following:

All threats or acts of violence occurring on Baltimore City Government property, regardless of the relationship between the City and the parties involved in the incident.

All threats or acts of violence not occurring on Baltimore City Government property but involving someone who is acting as a representative of Baltimore City Government.

All threats or acts of violence not occurring on Baltimore City Government property involving an employee of Baltimore City Government while on duty.

Any threats or acts resulting in the conviction of an employee or agent of Baltimore City Government, or of an individual performing services on the City's behalf on a contract or temporary basis.

Workplace Violence Policy**SPECIFIC EXAMPLES OF PROHIBITED CONDUCT**

Specific examples of conduct that may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. Intentionally damaging or threatening to damage property owned, operated, or controlled by Baltimore City Government.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications (emails).
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of Baltimore City Government.
6. Harassing surveillance, also known as stalking, the willful, malicious and repeated following of another person and making credible threat with intent to place the other person in reasonable fear of his or her safety.
7. Unlawfully using or possessing firearms, weapons, or any other dangerous device on Baltimore City Government property, in City vehicles, in personal vehicles used for City business, or while conducting City Government business while not on City property.

NOTE: For those employees of Baltimore City Government who are required as a condition of their work assignment to possess firearms, weapons, or other dangerous devices, it is Baltimore City Government’s policy that employees are to use them only in accordance with departmental operating procedures and all applicable City, State, and Federal laws.

ROLES AND RESPONSIBILITIES**Employees Responsibilities**

1. Refrain from making threats or committing any acts of violence against any person in any City work place.
2. Learn to recognize and respond to behaviors by potential perpetrators that may indicate a risk of violence.
3. Report to a supervisor any violent or threatening behavior whether witnessed, received or told, by another person.
4. Provide the supervisor and HR with a copy of a protective or restraining order which lists City premises as a protected area which such an order is received.
5. Seek counseling from the City’s Employee Assistance Program (EAP) or other health care providers when appropriate to address any personal problems that could elicit violent thoughts or behavior.
6. Comply with all treatment recommendations made by the EAP or other health care providers and all conditions of a Performance Improvement Plan.

Workplace Violence Policy**Supervisor Responsibilities**

Follow steps 1 through 6 above.

Steps to be taken in the event of an act or threat of violence.

1. When someone commits an act of violence that involves physical injury, an immediate threat of physical harm, property damage, or when a weapon is present (implied, concealed, or displayed), **the police department's 911 emergency number should be called immediately**. Any injuries should be reported to them so that immediate medical attention can be obtained. Additionally, provide the 911 operator with as much information about the assailant as possible, i.e., name, location, race, gender, clothing, and if there is a weapon involved, what kind.
2. Refer injured employees not requiring immediate emergency care to the City of Baltimore Occupational Medical Services (Mercy Clinic) with an Employee Incident Report (E.I.R. #28-1608-5149 Rev. 3/09). Additionally, the supervisor must report the injury to Key Risk Management, the City's worker's comp vendor. Their phone number is 1-877-607-8600.
3. Contact the Agency's HR officer (hereafter HR officer) immediately and inform him or her of the incident.
4. With the approval of the HR officer remove the employee from the job with pay pending an investigation by the HR office or suspend the employee without pay. The employee should not be allowed to return to work without a clearance from the HR officer, after the HR officer consults with EAP. In cases involving sworn members of the Baltimore Police Department, discipline will be imposed pursuant to Section 3-108 of the LEOBR and Article 16 of both MOU.
5. Complete a Workplace Violence Incident Report form (AM-227-1-2) describing in detail all facts known to the supervisor regarding the incident and attach all witness statements. Submit these documents to the HR officer and the Department Head within 24 hours of the incident, or within 24 hours of gaining knowledge of the incident.
6. Impose all disciplinary action as recommended by the HR officer.
7. Where appropriate, complete a Performance Improvement Plan, with the assistance of EAP and the HR officer and monitor the employee's compliance.
8. In cases where a serious assault has occurred, offer to provide all affected employees counseling through EAP.
9. Failure to follow these procedures will result in disciplinary action against the responsible supervisor.

NOTE: After any incident of workplace violence, the supervisor of the complainant and the offending party should consult with the HR officer to determine areas where the offender may try to gain access. After obtaining such information, the HR officer should contact the Department of Public Works Training and Safety Division for a paper print-out of the employee's photo ID (or in cases not involving a violent employee, seek a photograph of the individual through other means). This documentation may be sent to the Department of General

Workplace Violence Policy

Services Facility Management Division for distribution to building security on City premises or in leased buildings, privately owned security or management. If there are other City workplaces where the person may try to gain access, the HR officer should share the photograph with the respective building's security.

Agency's Human Resources Officer or Designee Responsibilities

1. Review job candidates' backgrounds using pre-hire screening consisting of reference checks and background investigations.
2. Obtain incident reports from supervisors and all parties involved in any incident of violence or threat of violence, including all witnesses.
3. 3. Begin a thorough investigation of any incident of workplace violence within 24 hours of receiving incident reports. Every effort will be made by the HR office to interview all witnesses and all other involved parties, conclude the investigation and impose disciplinary action within a 30-day window after the Agency acquires knowledge of the incident, except in those cases where criminal conduct may be involved, or with offences related to violations of civil statutes. In any event, the City's investigation of and disposition of an alleged infraction shall occur with reasonable dispatch.
4. After consultation with the supervisor, refer any employee who may have been impacted by the incident to the EAP for counseling
5. Within 24 hours send a copy of the Workplace Violence Incident Summary Sheet and a copy of the workplace Violence Incident Report to the Department of Human Resources (DHR).
6. Notify the Director of the Agency that the alleged incident has occurred.
7. If a violation of this policy has occurred, refer the employee(s) to EAP.
8. Determine appropriate disciplinary action (according to the disciplinary section of this Policy) and/or legal action and ensure that it is implemented.
9. If legal action is contemplated the HR Officer should contact the City of Baltimore Law Department.
10. Assist the supervisor in writing a Performance Improvement Plan to include EAP recommendations when appropriate.
11. Call EAP regarding the employee's fitness for duty and any other recommendations.
12. Ensure that recommendations made by the EAP are implemented.
13. Be aware of domestic violence issues and their implications for the workplace.
14. Ensure that supervisors and employees are trained on this Policy and that all aspects of the Policy are adhered to.
15. Within 24 hours send a copy of the Workplace Violence final determination/resolution to the Department of Human Resources.

Employee Assistance Program (EAP) Responsibilities

1. Obtain reports on all incidents of Workplace Violence from the Agency's HR officer.

Workplace Violence Policy

2. Conduct a complete evaluation of the employee(s) to determine fitness for duty.
3. Prepare a written report for HR officer indicating employee's current fitness for duty, counseling or work-related recommendations.
4. Refer employee to appropriate treatment resources, monitor employee's progress and compliance with EAP recommendations.
5. Recommend to supervisor or HR officer when an employee may be safely returned to the workplace.

Reporting

- All City employees having knowledge of a violent act involving any other City employee shall report it.
 - (1) The employee shall report immediately the disturbance to his/her supervisor or department/agency director who shall in turn report to Agency HR and the Agency Head.
 - (2) The person filing the report may ask for anonymity during all or part of the investigation.
 - (3) At any time an employee is encouraged to submit recommendations and suggestions to enhance workplace security to the Workplace Incident Task Force.
- The Department of Human Resources will maintain a central database of all reported incidents of workplace violence. Agency HR Officers should send a copy of the Workplace Violence Incident Report (AM-227-1-2), the Workplace Violence Summary Sheet and the final determination to the Personnel Policy Analyst at DHR, 201 E. Baltimore St., Suite 300, Baltimore, Md. 21202.

Disciplinary Actions

Employees who violate this Policy will be subject to the following disciplinary action:

Acts of Violence***Physical Assault***

- Any incident of assault to another person(s), regardless of whether medical treatment is required, shall result in disciplinary action ranging from a 5-day suspension up to and including a recommendation for termination.

Minor Destruction of Property

- First incident of deliberate destruction of property resulting in insignificant damage shall result in a 5-day suspension without pay

Workplace Violence Policy

based on a decision made by the Agency’s HR office, referral to the EAP, and implementation of a Performance Improvement Plan.

- Second incident of same shall result in a recommendation for termination.
- In either case the employee responsible for the destruction will be required to make full restitution for the damage caused. If the employee is terminated or refuses to pay, the Law Department may file a lawsuit to recover damages.

Major Destruction of Property

- Any incident of the deliberate destruction of property (City or private) resulting in significant monetary damage to or loss of valuable property shall result in a recommendation for termination.
- After termination, if the employee does not agree to restitution, a lawsuit for damages will be filed by the City’s Law Department.

Threats of Violence

Major Threat

- Any incident of threat with the serious intention of causing bodily harm or the possession of a weapon shall result in a recommendation for termination.

Minor Threat

- First incident of threat of bodily harm with no serious intent or no possession of a weapon shall result in a 5-day suspension with or without pay, referral to the EAP and implementation of a Performance Improvement Plan. For factors associated with or without pay decision see Minor Destruction of Property above.
- Second incident of same shall result in a recommendation for termination.

NOTE: Any violation of a Performance Improvement Plan relating to the workplace violence incident will result in disciplinary action up to and including termination. Any first-time probationary or temporary employee involved in a violation of this policy shall be immediately recommended for termination. 5-day suspensions must be consecutive.

Workplace Incident Task Force

Where major violence erupts, the Director of Human Resources will assemble a task force including members of the affected department, the Mayor’s Office, the Police Department, the

Workplace Violence Policy

Fire Department, the Office of the Inspector General, the Department of Human Resources, the Law Department and other departments as needed to conduct a post-incident response. All public information about violent incidents at a City workplace should be released only through the Department's public information officer or depending on the seriousness of the incident, the Director of Media Relations.

Violence Assessment Committee

A Violence Assessment Committee is established to identify existing or potential violence hazards and to determine appropriate preventive measures. The assessment should include inspecting security measures, analyzing records of violent incidents, and conducting screening surveys to learn about employees' concerns. Results of these assessments and surveys will be used to create the safest possible workplace environment.

Education and Training

1. The Department of Human Resources (DHR) Training Division and the Office of Inspector General (OIG) shall provide training to department and agency directors and supervisors on the methods and procedures to identify, prevent and handle violence at an early stage as well as the appropriate procedures to be taken in emergency and catastrophic emergency situations. Supervisor and manager training will also emphasize that this policy should never be used in a frivolous or vindictive manner.
2. Each department and agency director shall assure that all information regarding workplace violence is disseminated and understood by all employees. Employees will be required to sign a document (AM-227-1-5) verifying that they have received a copy of the policy. That signed document will be placed in the employee's personnel file. An employee's refusal to sign the document will be noted and a third party will be asked to sign instead stating that they witnessed the employee receiving the policy.
3. The DHR Training Division and OIG will provide ongoing training and periodically distribute information to employees on workplace violence.

Related Procedures and Forms

[AM-227-1-1](#) Procedures for Avoiding Physical Attack

[AM-227-1-2](#) Workplace Violence Incident Report

[AM-227-1-3](#) Memo – Protective Order Notification

[AM-227-1-4](#) Memo Sample – Performance Improvement Plan

[AM-227-1-5](#) Acknowledgement of Workplace Violence Policy

m Procedures for Avoiding Opportunity for Physical Attack

All employees should be aware of their daily work surroundings, both the physical layout and the employees with whom they work. This is especially important for those employees who work outside a "traditional" office environment. These may include a remote job site, fueling depot, warehouse, testing lab, etc. Particular attention should be paid at locations where fellow employees come and go frequently, driving to multiple locations largely unsupervised.

Once identified, a potentially violent or disturbed person should not be left alone with other employees. Potentially violent or disturbed persons should be closely observed and monitored. These employees should be escorted to a private area away from onlookers. Trained supervisors should determine the appropriate course of action. (See page 3 of AM-227-1, Supervisor Responsibilities.)

If an employee has become involved in a non-criminal dispute with family members or others, or if the employee has disclosed that he or she is a victim of domestic violence and the employee has obtained an "Order of Protection", an "Injunction Against Harassment" or a similar court order, the employee should be instructed to include the employee's work location, as well as the place of residence, in the order. The employee should notify his or her supervisor of such an order and provide a description or recent photograph(s) of the individual(s) cited in the order.

As a general rule, work sites should be reasonably secured. Alarms, television monitors, intercoms, panic buttons, electric latch devices or electronic card key devices may be helpful means of securing a work area, but most office locations may need little more than secure standard key locks or a card key system. Management should consider any additional security devices after a careful risk assessment.

Removing Motivations for Violence

Along with avoiding the opportunity for physical attack, employees should avoid antagonizing others and creating hard feelings. Defusing a potentially violent person requires self-control, tact, judgment and patience. Some suggestions are:

- Remain calm and try to keep everyone else calm.
- Avoid a win-lose situation, especially in front of spectators.
- Let the person sit down, relax and calm down in private.
- Listen to what the employee or citizen has to say without arguing or challenging.
- Do not be critical, judgmental or sarcastic.
- If any threat of violence is made, warn the person that threats of violence are taken very seriously and are not acceptable.
- Surrender property during a robbery.
- Appear agreeable (even temporarily) to the person's demands if possible.

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AM-227-1-1

*m Procedures for Avoiding Opportunity for Physical
Attack*

RELATED DOCUMENTS

[AM 227-1](#) Workplace Violence Policy

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AM-227-1-2

m City of Baltimore Workplace Violence Incident Report

Site Supervisor should complete a Workplace Violence Incident Report form (AM-227-1-2) describing in detail all facts known to the supervisor regarding the incident and attach all witness statements. Submit these documents to the Agency HR officer and the Department Head within 24 hours of the incident, or within 24 hours of gaining knowledge of the incident.

Agency HR Officer should within 24 hours send a copy of the Workplace Violence Incident Summary Sheet and a copy of the Workplace Violence Incident Report to the Department of Human Resources.

1. Complainant's Name:	2. Name of Alleged Offending Party:
Relationship to City:	Relationship to City:
Relationship to #2, if any:	Address:
Work Address:	Daytime Phone:
Daytime Phone:	
Agency:	
Agency Contact & Phone:	Is There On-Site Security? Yes No
Date Reported:	
3. Incident Date:	Time: A. M. P.M.
Description of Events That Preceded and May Have Triggered the Incident:	
4. Please indicate if one or more occurred: Threat Physical Assault, Destruction of Property or OIG notified Description of the Incident (attach another sheet if necessary):	

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AM-227-1-2

***m City of Baltimore Workplace Violence Incident
Report***

5. Description of Alleged Offending Party's (#2) Appearance (Physical and Emotional):

6 Names of Witnesses and Phone Numbers:

_____	_____
-	
_____	_____
-	
_____	_____
-	
_____	_____
-	
_____	_____
-	

7. At the conclusion of the incident, the victim:

- Was Sent to Clinic
- Was Hospitalized
- Returned to Work
- Left Premises
- Unknown
- Other:

8. At the conclusion of the incident, the Alleged Offending Party :

- Was Arrested
- Was Sent to Clinic
- Was Hospitalized
- Removed From Premises
- Other:

9 What Happened To Other Employees Directly Involved, If Any, After the Incident?

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AM-227-1-2

***m City of Baltimore Workplace Violence Incident
Report***

10. Names and Daytime Phone # of Any Supervisory Staff Involved and How They Responded To the Incident?
11. Has this Incident been reported to the Baltimore City Police Department? Yes ___ No ___ If yes, Police Officer's Name and contact information: Report #: _____
12. Is there a known history of aggressive behavior by the Alleged Offending Party Yes ___ No ___ If yes, additional information and dates:
13. If Reporting a Threat, What Steps Have Been Taken to Ensure That The Threat Will Not Be Carried Out?
14. Was the Agency Aware Of and Had On File a Copy Of A Protective/Restraining/No Trespassing Order? ___Yes ___No

Is This information is being provided in response to a promise of confidentiality? ___ Yes ___ No

Are you willing to testify in court or in an administrative hearing concerning this incident?

___Yes ___ No

Signature of Person Completing Form: _____ Date: _____

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AM-227-1-2

*m City of Baltimore Workplace Violence Incident
Report*

FOR DEPARTMENT OF HUMAN RESOURCES USE ONLY

Data Entry

Incident #: _____

Date: _____

Follow-Up Assigned to: ___ Agency

___ Security Incident Status: ___ Monitor: ___ Close: _____

___ Police

___ Property Manager Date & Signature

RELATED DOCUMENTS

[AM 227-1](#) Workplace Violence Policy

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AM-227-1-3

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Baltimore City Memorandum

Date:

TO: Agency Director
Agency Name

FROM: Employee's Name

SUBJECT: Protective Order Notification

Attached is a copy of a Protective/Restraining Order issued by _____(Court) on _____(Date) which affects city location(s). I am providing this information and am requesting the City's assistance in assuring the implementation of this order.

Should you need further information, please contact me at _____(telephone number).

RELATED DOCUMENTS

[AM 227-1](#) Workplace Violence Policy

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AM-227-1-4

m **Baltimore City Memorandum - SAMPLE**

TO: (Employee)
FROM: (Supervisor)

SUBJECT: Performance Improvement Plan (For Violation of AM-227-1)

WORK/BEHAVIOR WHICH REQUIRES IMPROVEMENT:

On _____ [date] you were found to have engaged in behavior that is prohibited by the City's Workplace Violence Policy (PM 360 and AM-227-1). Specifically, [identify behavior in detail]

Your behavior requires immediate improvement. A Performance Improvement Plan has been developed for you.

DEADLINES FOR IMPROVEMENT (Examples):

You must comply with and be monitored by the Employee Assistance Program (EAP) until _____ [date]

You must completely refrain from engaging in behavior construed as violent while working or engaging in the activities as a Baltimore City employee.

You must maintain satisfactory work performance.

You must inform and keep supervisor apprised of any injury sustained in the course or context of employment.

STEPS TO BE TAKEN BY THE EMPLOYEE AND SUPERVISOR (Examples):

You must not engage in any behavior that is defined as violent (as defined in PM 360 and AM-227-1). You must comply with all EAP recommendations. You are to successfully complete an anger management program as recommended or agreed to by EAP. You are to successfully complete one year monitoring by the EAP and the supervisor. You must never make any threats, implied or overt, to anyone while working.

Supervisor will monitor employee, conjointly, with EAP AND REPORT to Agency's Human Resources officer a second violation of the City's Workplace Violence policy (or this agreement). A second violation will result in disciplinary action consistent with the Workplace Violence Policy.

Superintendent/Supervisor

I ACKNOWLEDGE THAT I HAVE EITHER READ OR HAVE BEEN READ THE ABOVE MEMO.

_____ Witness _____
Employee Signature (If employee refuses to sign)

RELATED DOCUMENTS

[AM 227-1](#) Workplace Violence Policy

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AM-227-1-5

m Acknowledgement of Workplace Violence Policy

As an employee of the Mayor and City Council of Baltimore, I have received a personal copy of AM- 227-1, Workplace Violence Policy, dated September 29, 2010, to review and maintain in my personal records. This signed copy acknowledges that I did receive a copy of the policy for my use. It also acknowledges that I agree to review the policy, and if I do not understand any sections that I immediately contact my supervisor for further explanation.

I understand that the City of Baltimore is committed to promoting and ensuring the health and safety of its employees. Workplace violence in any form will not be permitted nor tolerated by the City. To solidify that commitment, the adoption of this policy guarantees that each reported incident of workplace violence will be thoroughly investigated and, if the investigation warrants, the accused employee will be subject to discipline that includes suspension and/or a recommendation for termination. An employee who commits destruction of property will be required to make full restitution for the damage caused.

I am aware that any violation of the policy by me will subject me to disciplinary action, up to and including discharge from employment or contract. I will be required to make full restitution for the damage caused. I also am aware that a copy of this Acknowledgment will become part of my agency personnel file.

Employee Signature

Printed Name of Employee

Date Signed

Supervisor or Witness Signature

Date Signed

RELATED DOCUMENTS

[AM 227-1](#) Workplace Violence Policy

a
m ***Performance Management Policy for Managerial
and Professional Society of Baltimore Covered
Employees***

The City of Baltimore (the City) is committed to building and maintaining a high performing and an accountable workforce by providing a continuous, year-round process where your managers and employees work together to plan, track, and review the employee’s career goals, work objectives, and contributions.

I. PURPOSE

The purpose of the Performance Management Program (PMP) policy is to improve organizational effectiveness through individual, division, and agency accountability. PMP documents establish individual performance goals that are aligned to each employee’s job responsibilities. The PMP also supports the City’s goals by requiring ongoing, supervisory coaching, counseling, and feedback to each employee, encouraging professional development and the recognition of each employee’s contributions toward achieving organizational goals.

When properly executed, the PMP process meets the following City objectives:

1. Aligns the individual employee’s responsibilities and performance objectives to division and agency strategic goals;
2. Ensures the use of an objective and quantifiable system for evaluating employee performance and recognizing employee accomplishments;
3. Provides an objective basis for supervisors to address an employee’s performance deficiencies;
4. Improves the City’s overall performance through assessment, coaching, counseling, and training;
5. Recognizes different levels of performance; and
6. Serves as a workforce and succession planning tool for all job actions.

II. SCOPE

This policy applies to all eligible Managerial and Professional Society of Baltimore (MAPS) employees, both Civil Services and Non-Civil Service employees.

All Performance Management (PM) reviews are confidential, unless they are required for production during grievances; appeals to the Civil Service Commission or Labor Commissioner; or for external litigation.

III. DEFINITIONS

Job Competencies – Competencies are a set of defined knowledge, skills, abilities, and other requirements that are needed for an employee to perform successfully.

a **Performance Management Policy for Managerial**
m **and Professional Society of Baltimore Covered**
Employees

Eligible Employee – All *regular employees* of the City of Baltimore in both Civil Service and Non Civil Service MAPS represented and non-represented covered classifications.

Performance Objectives – Measurable and evidence-based outcomes that the employee is expected to achieve (e.g., SMART goals - **S**pecific, **M**easurable, **A**ttainable, **R**ealistic, and **T**imed).

Professional Development – Training that builds skills, expands knowledge, or enhances competencies.

IV. RESPONSIBILITIES

The PMP is a collaborative effort involving multiple stakeholders with specific responsibilities at critical stages of the process including, but not limited to, the following:

A. Employee Responsibilities

Employees must develop their own PM performance objectives and professional development plan, in collaboration with their managers. Employee also must complete a self-evaluation for use during the mid-year and year-end review.

B. Manager Responsibilities

Managers are required to approve final performance objectives based on the employee’s position description and Agency goals and in consultation with employees.

Managers are required to meet periodically throughout the year to provide continuous feedback, along with the completion of mid-year and year-end reviews of their employees.

C. Agency Human Resources (HR) Practitioner Responsibilities

The Agency HR office is responsible for retaining a completed evaluation in the employee’s personnel file and must input all information into the City’s system of record.

D. Agency Responsibilities

Agencies are responsible for ensuring compliance with this policy. Agencies must keep the annual performance review and any supporting documentation as a permanent part of the employee’s official personnel record.

a
m ***Performance Management Policy for Managerial
and Professional Society of Baltimore Covered
Employees***

V. PERFORMANCE MANAGEMENT PROGRAM MEASUREMENT PERIOD

The PMP measurement period runs concurrent with the City’s fiscal year and must be completed timely to ensure an effective administration. Eligible employees must receive a formal evaluation and ratings from their managers in the PM review. This PM review must occur once every year according to the schedule attached as communicated by the Department of Human Resources (DHR) Office of Shared Services.

VI. PERFORMANCE MANAGEMENT PROGRAM ELIGIBILITY

Each eligible employee must receive performance objectives annually, except for employees who fall into one of the categories below:

A. Newly Hired Employees: Newly hired employees must receive the manager’s performance objectives within 45 days of their initial date of service and receive a PM review at least 15 days **before** the end of the employee’s probationary period. After successfully completing the probationary period, the employee will receive new performance objectives for the performance management period.

B. Material Change in Job Duties: An employee who is reclassified, promoted, demoted, or transferred during the performance management cycle must receive updated performance objectives within 45 days of a permanent material change in performance objectives.

C. Recently Appointed Supervision: Whenever an employee changes supervisors, the employee’s former supervisor should evaluate the employee’s performance in relation to the employee’s goals. Each goal should be rated individually, and no overall rating is required. If the change in supervisors is the result of the employee’s former supervisor terminating employment with the City, the next level manager is responsible for evaluating the employee’s performance within 7 days. These ratings shall cover the period from the beginning of the year until the effective date of the change in supervisors.

D. Reinstated employees: An employee reinstated to the same position, in the same agency, will use the previous performance objectives. An employee reinstated to a different position must create new goals and objectives utilizing their new position description.

a
m ***Performance Management Policy for Managerial
and Professional Society of Baltimore Covered
Employees***

VII. PERFORMANCE PLANNING

Annual performance guidance is set forth by using an employee's position description, performance objectives, job competencies, and professional development goals for the specific performance management period. Performance objectives must be created by the employee in collaboration with their direct manager. Performance measures are documented on the City's official PM forms.

Employees may not initiate a grievance or appeal at any stage of the employee performance planning process.

A. Administration

Performance PM reviews for all employees are due according to the schedule that is communicated by DHR's Office of Shared Services. Performance PM reviews must be signed by the employee, the direct manager, and by the next level manager. A copy should be sent to the Agency Human Resources office and retained in the employee's official personnel file.

B. Development and Training

Training is an essential part of the performance management process. Managers are also required to ensure employees complete at least one professional development goal or training activity within the performance year. This may include courses offered in the Department of Human Resources Learning and Development Catalog.

VIII. PERFORMANCE MONITORING

Performance monitoring is an ongoing process that assists managers and employees in achieving performance objectives by identifying and addressing performance deficiencies when they occur. Performance monitoring consists of continuous coaching and counseling, a mid-year PM review and may include performance improvement plans.

A. Performance Objectives

An employee's manager must work with the employee to identify the performance objectives against which the employee's performance is evaluated every year. This must be done annually for current employees, as well as upon appointment to a new position, or the assignment of substantially different duties to an employee. These goals must be provided to the employee in writing.

a
m ***Performance Management Policy for Managerial
and Professional Society of Baltimore Covered
Employees***

B. Coaching and Counseling

In addition to the mid-year and year-end reviews, managers must initiate coaching and counseling throughout the year as needed to assist employees with meeting performance objectives.

C. Performance Management Program Ratings

PM ratings are assigned using a DHR-approved scale (e.g., a 5-point scale). These ratings serve as the primary basis for determining employee PM review in the current position, promotability, employee development employee improvement, and employee separation.

IX. PERFORMANCE MANAGEMENT REVIEWS

PM reviews must encompass the employee's overall performance during the performance management period.

PM reviews are not grievable, but may be appealed as set forth below.

Appealing PM review

An employee may appeal a final performance PM review rating, and the appeal may only be filed for the most recent performance PM review. Any appeal not filed timely will not be considered. The employee is limited to one appeal for any performance cycle, regardless of the number of issues involved.

Employees should contact their agency Human Resources Practitioner to discuss concerns or to file an appeal.

Appeal Procedure

1. An employee who disagrees with an annual PM review and cannot resolve the disagreement with the manager may take their written appeal to the Human Resources Practitioner of their agency. Such an appeal must be made within 10 days of the initial performance PM review.
2. Upon receiving the written appeal, the HR Practitioner must provide the appeal to the Agency Head. The Agency Head/Director (or executive-level designee) must provide the employee and the manager a written response within 10 days of the HR Practitioner's receipt of the appeal. The written response shall indicate one of the following outcomes:

a m Performance Management Policy for Managerial and Professional Society of Baltimore Covered Employees

- a. The Agency Head/Director agrees with the original performance PM review;
- b. The Agency Head/Director disagrees with parts of the performance PM review and instructs the managers/Supervisor to revise the original performance PM review; and
- c. The Agency Head/Director disagrees with entire performance PM review and instructs the managers/Supervisor to complete a new performance PM review.

The decision by the Agency Head/Director or designee shall be final.

X. PROHIBITED CONDUCT

The City strictly prohibits retaliation or discrimination against an employee for conforming to the Performance Management and Development policy. Violation of this policy may result in disciplinary action, including termination of employment. All employees are required to promptly report concerns of retaliation under this policy to the agency human resources practitioner.

XI. AUTHORITY

The Department of Human Resources issues this policy pursuant to the authority provided in the City Charter, Articles VI and VII, and the approval of the City’s Board of Estimates.

XII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this policy at any time, with the approval of the City’s Board of Estimates.

RELATED POLICIES

- AM-200-05 Hiring, Transfers, and Promotions
- AM-204-32 Employee Recognition Program
- AM-231-01 Hiring and Transfers
- AM-235-01 Promotions
- PM-370 Performance Management Reviews

m ***Managerial and Professional Society Pay-for-Performance***

The City of Baltimore (“City”) is committed to attracting, encouraging, and retaining high performing employees by offering competitive compensation and rewarding individual performance. The City’s Performance Management Program for Managerial and Professional Society of Baltimore, Inc. (MAPS) covered employees, uses the annual performance planning and evaluation process to establish and evaluate approved goals, objectives, and competencies. Pay-For-Performance is awarded based on employee performance as demonstrated through achievement of individual goals, demonstration of required competencies; and budget allocation for salary increases. This process is intended to reward employees, who receive a Distinguished, Superior, or Meets Expectations annual perform rating. The Pay-For-Performance program shall be administered without regard to political affiliation, race, color, national origin, sex, age, disability or religion.

I. PURPOSE

The purpose of this policy is to ensure consistency, transparency and fairness in the process of awarding a MAPS covered employee performance based compensation.

II. SCOPE

The Performance Management Program and the associated Pay-For-Performance applies to eligible MAPS employees, both Civil Service and non-Civil Service.

III. DEFINITIONS

- A. **Pay-For-Performance Budget Allocation-** The amount of money available for distribution to employees is determined on an annual basis through the budget process. Distribution of the budget allocation is at the discretion of the Agency Head, subject to policy guidelines, and the availability of funds.
- B. **Pay-For-Performance (Merit) Adjustment-** A performance based compensation adjustment comprised of a merit increase or merit bonus.
 - 1. **Pay-For-Performance (Merit) Increase-** A performance based salary increase that is added to the employee’s base salary.
 - 2. **Pay-For-Performance (Merit) Bonus-** A performance based, one-time, lump-sum payment that is not added to the employee’s base salary.
- C. **Special Recognition Award-** a financial recognition of up to \$2,500, that may be granted at the conclusion of the performance evaluation period to an employee who has made an exceptional contribution(s) during the applicable evaluation period. This award is granted at the prerogative of the Agency Head who may

m ***Managerial and Professional Society Pay-for-Performance***

opt to give any number of such awards, including none, in any given performance cycle.

IV. ELIGIBILITY

MAPS Employees are eligible and may receive a Pay-For-Performance Adjustment if:

- A. The employee has a current completed performance plan on file in the Agency Human Resources Division;
- B. The employee has a minimum of 270 days of continuous service before the end of the June 15th evaluation period; and
- C. The Employee has demonstrated meritorious performance by attaining an overall rating of “Distinguished (5),” “Superior (4),” or “Meets Expectations (3)” in the current performance cycle.

V. RESTRICTIONS

- A. An employee whose overall performance is rated as “Improvement Required (2)” or “Performance Does Not Meet (1),” is not eligible for Pay-For-Performance
- B. An employee in a Grant Service Specialist (“GSS”) or any other temporary position is not eligible for Pay-For-Performance.
- C. An employee who has received a salary adjustment of more than 10% of the employee’s base salary less than (6) months prior to the proposed effective date of the Pay-For-Performance Adjustment is not eligible for Pay-For-Performance.
- D. A Pay-For-Performance Increase shall not place an employee above the salary range for their assigned classification.

VI. REQUIREMENTS

- A. Pay-For-Performance is subject to the availability of funding and must be managed within each Agency’s budget allocation.
- B. Annually, each Agency Head will make the following determinations of:
 - i. Whether to award a Pay-For-Performance Increase or Pay-For-Performance Bonus to its employees; and
 - ii. Which overall performance rating levels will receive a Pay-For-Performance Adjustment.

m **Managerial and Professional Society Pay-for-Performance**

- C. Employees, agency-wide, receiving the same overall performance rating shall receive the same Pay-For-Performance Adjustment, if the agency chooses to make an award for that performance rating level.
- D. Special Recognition Awards may be awarded to employees who have a current completed performance plan and have received at least a “Meets Expectations (3)” in the current performance cycle. Special Recognition Awards may be used to recognize one of the following:
 - i. Contributions to increased organizational productivity;
 - ii. Development and/or implementation of improved work processes;
 - iii. Innovative initiatives and programs;
 - iv. Exceptional customer service;
 - v. Realized cost savings; or
 - vi. Other specific contributions to the success of the Agency's missions, goals, or objectives.

VII. AWARD AMOUNTS

- A. Pay-For-Performance Adjustments shall be awarded according to the following table:

Performance Rating	PFM Increase	PFM Bonus
Distinguished (5)	Up to 5% of the Employee’s Base Salary	Up to \$2,500
Superior (4)	Up to 3% of the Employee’s Base Salary	Up to \$ 1,250
Meets Expectations (3)	Up to 1% of the Employee’s Base Salary	Up to \$ 625

- B. An employee shall not receive a greater Pay-For-Performance Adjustment than an employee with a higher performance rating.
- C. Special Recognition Awards may be awarded in conjunction with a Pay-For-Performance Adjustment. A Special Recognition Award may not exceed \$2,500 and the exact award amount as determined by the Agency Head is based on availability of funds within the Pay-For-Performance budget allocation.

m ***Managerial and Professional Society Pay-for-Performance***

VIII. ADMINISTRATION

- A. Between May 1st and June 15 of each fiscal year performance evaluations shall be administered.
- B. By July 15th, Agencies shall submit a Pay-For-Performance report to the Department of Human Resources. The report must include a list of all employees receiving a Pay for Performance Adjustment and/or Special Recognition Award, including each employee’s overall performance rating and the specific amount awarded.
- C. Pay-For-Performance Adjustments and Special Recognition Awards will become effective no later than the first full pay period in August. Late submissions are ineligible for retroactive pay adjustment.

IX. AUTHORITY

The Department of Human Resources issues this policy pursuant to the authority provided in the City Charter, Articles VI and VII, and the approval of the City’s Board of Estimates.

X. INTERPRETATION

The Director of Human Resources is responsible for the official interpretation of this policy. The Department of Human Resources reserves the right to revise or eliminate this policy at any time, with the approval of the City’s Board of Estimates.

XI. RELATED POLICIES

- AM-200-05 Hiring, Transfers, and Promotions
- AM-204-32 Employee Recognition Program
- AM-228-1 Performance Management Policy for Managerial and Professional Society of Baltimore Covered Employees
- AM-231-01 Hiring and Transfers
- AM-235-01 Promotions
- PM-370 Performance Evaluations

AM-231-1-3

CITY OF BALTIMORE		Receipt of Strike Information
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I have been informed that it is illegal for an employee of the City of Baltimore to initiate, support, sponsor, or engage in any strike, boycott, work stoppage, or other related actions against the Mayor and City Council of Baltimore City, either directly or indirectly.

TYPED OR PRINTED NAME OF EMPLOYEE	EMPLOYEE'S SIGNATURE	SOCIAL SECURITY #
TYPED OR PRINTED NAME OF WITNESS	SIGNATURE OF WITNESS	DATE

NOTE TO AGENCY HEAD: THIS RECEIPT IS RETAINED IN THE AGENCY FILE. IF THE EMPLOYEE TRANSFERS TO ANOTHER CITY AGENCY, THIS RECEIPT MUST BE FORWARDED TO THE GAINING AGENCY FOR RETENTION IN EMPLOYEE FILE.

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AM-231-1

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Hiring and Transfers

SCOPE

This policy applies to all City agencies (Civil Service and non-Civil Service) and includes the following personnel actions, regardless of the type of funding:

- Hiring (to include full-time or part-time permanent, temporary, and labor employees).
- Transfers.

This policy does **not** apply to promotions.

PERSONNEL ACTIONS

For additional information concerning the subjects listed below, see the cited Administrative Manual documents:

- Permanent Positions and Employees: AM-232-1
- Labor Positions and Employees: 233-1
- Temporary Employees: AM-234-1
- Promotions: AM-235-1

TRANSFER DEFINED

A transfer is the filling of a vacant position with a City employee whose job class is the same as that of the vacant position (or related and carrying a lower salary than that of the vacant position) and who is:

- Filling a position in an agency or program other than where the vacancy occurs,
AND/OR
- Filling **any** position which has funding different from that of the vacant position.

Personnel who change their employment from a non-Civil Service position to a Civil Service position, or vice-versa, are **not** considered "transfers," but instead are considered to be new employees.

A shift of personnel within a program, which does not involve a change in funding, is not considered a transfer.

REQUIREMENTS

(7/14/76)

Page 1 of 3

Hiring and Transfers

In order to hire or transfer personnel, all of the following requirements must be met by the requesting agency:

- A vacant position must exist in the appropriate program of the agency's approved budget. (In the case of temporary and part-time employees, funds for the proposed action must be available in the agency's budget.) If no vacant position exists, the creation of a new position must be approved by the Board of Estimates [AM-230-3].
- Approval of the proposed action must be obtained from the Civil Service Commission (where appropriate) and the Mayor's Expenditure Freeze Committee.

USE OF "IN LIEU" CLASSES

An agency may fill a vacant position with an employee whose job class is not the same as the class of the vacant position if such action will allow the individual to gain the necessary experience to qualify for the class. To be eligible, the employee's class and the class of the vacant position must be in the same class series. (For example, a Senior Clerk position may be filled with a Clerk "in lieu" of a Senior Clerk.)

LEAVE OF ABSENCE

If an agency wishes to fill the position of an employee who is on a leave of absence without pay, the **employee on leave** must be placed in an inactive payroll status by submission of a CHANGE NOTICE (28-1618-5143 or 28-1428-5108) [AM-205-4-5]. The CHANGE NOTICE must include the following special entries:

- Work Code -- Specify "9".
- Loc (location) -- Specify "999".
- Job Number -- Specify "zzz-zzzzz".
- Budget Account Number -- Specify "103" for the sub-object (last 3 digits of the account number)

PROHIBITED ACTIONS

The following personnel actions are prohibited and will not be approved under any circumstances:

- Filling a vacant position with an employee whose job class is in the same class series as the vacant position, but has a salary range which is higher than the budgeted position, (for example, filling a vacant Clerk position with a Senior Clerk "in lieu" of a Clerk).
- Placing more than 1 person in the same budgeted position.

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AM-231-1

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Hiring and Transfers

CITY RESIDENCE

When filling a vacant position by hiring a new employee, agencies must give preference to City residents. If an agency finds it necessary to fill the position with a non-City resident, approval must first be obtained from the Mayor by submitting a NON-CITY RESIDENT APPROVAL REQUEST (28-1528-5036) [AM-231-1-2].

TRANSFERS

When filling a vacant position by transfer, agencies are not required to give preference to City residents. However, if the transfer will also involve the promotion of an employee, preference **is** to be given to City residents. If an agency wants to transfer **and** promote a non-City resident, approval must first be obtained from the Mayor by submitting a NON-CITY RESIDENT APPROVAL REQUEST (28-1528-5035) [AM-231-1-2].

NOTIFICATION OF ILLEGAL STRIKE ACTIVITY

Supervisors must inform all new City employees that it is illegal for them to engage in any type of strike-related activity against the Mayor and City Council of Baltimore. Employees must sign a RECEIPT OF STRIKE INFORMATION (28-1408-5024) [AM-231-1-3] to confirm that they have received this information.

NOTE: If an employee refuses to sign this acknowledgement, the supervisor must note this on the form.

This acknowledgement must be retained in the agency files with the "Record Copy" of the employee's ENTRY TICKET [M-205-4-2]. If an employee transfers to another City agency, the acknowledgement must be forwarded to the gaining agency for retention in their file with a copy of the CHANGE NOTICE [AM-205-4-5].

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**Administrative
Manual
DETAIL PROCEDURE**

SECTION	Personnel
SUBJECT	EMPLOYEE ACTION REQUEST

The form shown below contains all necessary instructions for completion:

INSTRUCTIONS:

1. Use typewriter only.
2. Only 1 employee action for 1 employee may be requested on each form.
3. Complete Part: A, B, C, D, and E. (Do NOT fill in shaded area)
4. Remove and retain AGENCY INITIAL COPY for files.
5. Forward form and any attachments to:
MAYOR'S EXPENDITURE REVIEW COMMITTEE
BUREAU OF THE BUDGET AND
MANAGEMENT RESEARCH
CITY HALL

CITY OF BALTIMORE		EMPLOYEE ACTION REQUEST	
AGENCY NAME		BUREAU NAME	
AGENCY NAME		DIVISION NAME	
A	CLASS TITLE	CLASS NUMBER	JOB NUMBER
	TYPE OF POSITION: <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME	IF AN UNLABLED LABOR POSITION, ALSO CHECK THIS BOX	
B	VACANCY OCCURRED AS RESULT OF: <input type="checkbox"/> EMPLOYEE SEPARATED DUE TO NOTICE OR OUT-OF-TICKET <input type="checkbox"/> EMPLOYEE ON LEAVE OF ABSENCE WITHOUT PAY (ATTACH 1 COPY OF SCHEDULE CHANGE NOTICES) <input type="checkbox"/> NEW POSITION CREATED BUT NEVER FILLED	<input type="checkbox"/> RESIGNATION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> DEATH <input type="checkbox"/> PROMOTION <input type="checkbox"/> RETIREMENT <input type="checkbox"/> TRANSFER <input type="checkbox"/> DROPPED - PROBATIONARY <input type="checkbox"/> OTHER (Specify):	
	SUGGESTED POSITION	CLASS TITLE	CLASS NUMBER
C	<input type="checkbox"/> HIRE PERMANENT EMPLOYEE (Must attach report)	TO HIRE PERMANENT EMPLOYEE TO FILL A POSITION IN A CIVIL SERVICE CLASS, AGENCY MUST REQUEST OPEN EMPLOYMENT LIST - SPECIFY CIVIL SERVICE CLASSES FOR WHICH LIST IS DESIRED	
	<input type="checkbox"/> HIRE TEMPORARY EMPLOYEE (Must attach report)	REQUEST OPEN EMPLOYMENT LIST FOR FOLLOWING CLASSES: (IN EVENT LIST NOT AVAILABLE OR NOT REQUIRED, REQUEST TO HIRE FROM FOLLOWING SOURCE)	
D	<input type="checkbox"/> HIRE UNLABLED LABOR EMPLOYEE	AFTER CHECKING BUDGET, PROCEED TO PART D	
	<input type="checkbox"/> TRANSFER	CURRENT CLASS TITLE	NAME OF LABOR AGENCY
E	<input type="checkbox"/> PROMOTION TO CLASS REQUIRING CIVIL SERVICE EXAM	REQUEST PROMOTION LIST FOR FOLLOWING CLASSES: (IN EVENT LIST NOT AVAILABLE, REQUEST PROMOTIONAL EXAM BE GIVEN WITH LIMITATIONS SPECIFIED IN CLASS DESCRIPTIONAL UNIT, ETC.) IF NO LIMITATIONS, SO STATE.	
	<input type="checkbox"/> PROMOTION TO CLASS NOT REQUIRING CIVIL SERVICE EXAM	EMPLOYEE NAME	CURRENT CLASS TITLE
F	<input type="checkbox"/> PROMOTION IN NON-CIVIL SERVICE AGENCY	CIVIL SERVICE AGENCIES ONLY - IMMEDIATE SUPERVISOR'S CERTIFICATION: I HEREBY CERTIFY THAT THE ABOVE EMPLOYEE MEETS ALL CURRENT QUALIFICATIONS FOR THE RECOMMENDED CLASS, HAS DEMONSTRATED SATISFACTORY PERFORMANCE, IS ELIGIBLE FOR THIS PROMOTION, AND IS THEREFORE RECOMMENDED BY ME FOR PROMOTION. (Type name and date)	
	AGENCY JUSTIFICATION FOR REQUESTED ACTION		
G	APPROVING OFFICER'S APPROVAL	TYPED NAME	SIGNATURE
H	<input type="checkbox"/> APPROVED	ESSENTIAL FOR POSITION IN SERVICE CLASS IS YES (After)	<input type="checkbox"/> CLASS
	<input type="checkbox"/> DISAPPROVED	BEING PROCESSED - WAIT FOR FURTHER INSTRUCTIONS	<input type="checkbox"/> PROMOTION TO CLASS NOT REQUIRING EXAM
I	<input type="checkbox"/> DISAPPROVED	INSUFFICIENT JUSTIFICATION	OTHER
	<input type="checkbox"/> DISAPPROVED	POSITION NOT ON JOB FILE	CLASS NOT FULLY RELATED
AUTHORIZED BY		DATE	CIVIL SERVICE
CLASS ACTION FOR TEMPORARY PERSONNEL		<input type="checkbox"/> APPROVED / <input type="checkbox"/> DISAPPROVED	SIGNATURE
		DATE	DATE

Form Number: 28-1608-5021 Order Unit : Specify "Each"
 Type : 6-part set Quantity of Forms : 1 set
 Size : 8 1/2" x 11" per Order Unit

To order, prepare a WAREHOUSE REQUISITION (28-1458-5129) [AM-302-1-1] specifying Warehouse Division 02, and citing the above information.

DATE 7/14/76

PAGE 1 OF 1



**Administrative
Manual
DETAIL PROCEDURE**

SECTION	Personnel
SUBJECT	EMPLOYEE ACTION REQUEST

The form shown below contains all necessary instructions for completion:

INSTRUCTIONS:

1. Use typewriter only.
2. Only 1 employee action for 1 employee may be requested on each form.
3. Complete Part: A, B, C, D, and E. (Do NOT fill in shaded area)
4. Remove and retain AGENCY INITIAL COPY for files.
5. Forward form and any attachments to:
MAYOR'S EXPENDITURE REVIEW COMMITTEE
BUREAU OF THE BUDGET AND
MANAGEMENT RESEARCH
CITY HALL

CITY OF BALTIMORE		EMPLOYEE ACTION REQUEST	
AGENCY NAME		BUREAU NAME	
AGENCY NAME		DIVISION NAME	
A	CLASS TITLE	CLASS NUMBER	JOB NUMBER
	TYPE OF POSITION: <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME	IF AN UNLABLED LABOR POSITION, ALSO CHECK THIS BOX	
B	VACANCY OCCURRED AS RESULT OF: <input type="checkbox"/> EMPLOYEE SEPARATED DUE TO NOTICE OR OUT-OF-TICKET <input type="checkbox"/> EMPLOYEE ON LEAVE OF ABSENCE WITHOUT PAY (ATTACH 1 COPY OF SCHEDULE CHANGE NOTICES) <input type="checkbox"/> NEW POSITION CREATED BUT NEVER FILLED	<input type="checkbox"/> RESIGNATION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> DEATH <input type="checkbox"/> PROMOTION <input type="checkbox"/> RETIREMENT <input type="checkbox"/> TRANSFER <input type="checkbox"/> DROPPED - PROBATIONARY <input type="checkbox"/> OTHER (Specify):	
	SUGGESTED POSITION	CLASS TITLE	CLASS NUMBER
C	<input type="checkbox"/> HIRE PERMANENT EMPLOYEE (Must attach report)	TO HIRE PERMANENT EMPLOYEE TO FILL A POSITION IN A CIVIL SERVICE CLASS, AGENCY MUST REQUEST OPEN EMPLOYMENT LIST - SPECIFY CIVIL SERVICE CLASSES FOR WHICH LIST IS DESIRED	
	<input type="checkbox"/> HIRE TEMPORARY EMPLOYEE (Must attach report)	REQUEST OPEN EMPLOYMENT LIST FOR FOLLOWING CLASSES: (IN EVENT LIST NOT AVAILABLE OR NOT REQUIRED, REQUEST TO HIRE FROM FOLLOWING SOURCE)	
D	<input type="checkbox"/> HIRE UNLABLED LABOR EMPLOYEE	AFTER CHECKING BUDGET, PROCEED TO PART D	
	<input type="checkbox"/> TRANSFER	CURRENT CLASS TITLE	CLASS NUMBER
E	<input type="checkbox"/> PROMOTION TO CLASS REQUIRING CIVIL SERVICE EXAM	REQUEST PROMOTION LIST FOR FOLLOWING CLASSES: (IN EVENT LIST NOT AVAILABLE, REQUEST PROMOTIONAL EXAM BE GIVEN WITH LIMITATIONS SPECIFIED IN CLASS DESCRIPTIONAL UNIT, ETC.) IF NO LIMITATIONS, SO STATE.	
	<input type="checkbox"/> PROMOTION TO CLASS NOT REQUIRING CIVIL SERVICE EXAM	EMPLOYEE NAME	CURRENT CLASS TITLE
F	<input type="checkbox"/> PROMOTION IN NON-CIVIL SERVICE AGENCY	CIVIL SERVICE AGENCIES ONLY - IMMEDIATE SUPERVISOR'S CERTIFICATION: I HEREBY CERTIFY THAT THE ABOVE EMPLOYEE MEETS ALL CURRENT QUALIFICATIONS FOR THE RECOMMENDED CLASS, HAS DEMONSTRATED SATISFACTORY PERFORMANCE, IS ELIGIBLE FOR THIS PROMOTION, AND IS THEREFORE RECOMMENDED BY ME FOR PROMOTION. (Type name and date)	
	AGENCY JUSTIFICATION FOR REQUESTED ACTION		
G	APPROVING OFFICER'S APPROVAL	TYPED NAME	SIGNATURE
H	<input type="checkbox"/> APPROVED	ESSENTIAL FOR POSITION IN NON-CIVIL CLASS IS YES/NO	<input type="checkbox"/> CLASS <input type="checkbox"/> TRANSFER <input type="checkbox"/> PROMOTION TO CLASS NOT REQUIRING EXAM <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED
	<input type="checkbox"/> DISAPPROVED	INSUFFICIENT JUSTIFICATION	POSITION NOT ON JOB FILE
I	<input type="checkbox"/> CLASS NOT FAMILY RELATED	AUTHORIZED BY	DATE
	BASE ACTION FOR TEMPORARY PERSONNEL		<input type="checkbox"/> APPROVED / <input type="checkbox"/> DISAPPROVED

Form Number: 28-1608-5021 Order Unit : Specify "Each"
 Type : 6-part set Quantity of Forms per Order Unit : 1 set
 Size : 8 1/2" x 11"

To order, prepare a WAREHOUSE REQUISITION (28-1458-5129) [AM-302-1-1] specifying Warehouse Division 02, and citing the above information.

DATE 7/14/76

PAGE 1 OF 1

a

AM-232-1-1

m

***Filling a Permanent Position
by Hiring or Transfer***

APPLICABILITY

The following procedure must be followed when filling all vacant positions (Civil Service and non-Civil Service) BY THE FOLLOWING MEANS:

- Hiring permanent employees from an open employment list (or a comparable hiring method used to fill non-Civil Service positions).

OR

- Transfer

This procedure does not apply to:

- Filling vacant permanent positions by promotion. (See AM-235-1-1).
- Filling vacant unskilled labor positions. (See AM-233-1-1).
- Hiring temporary employees. (See AM-234-1).

PROCEDURE FORMAT

The following procedure is divided into 3 sections:

- Section I: Applies to all permanent positions.
- Section II: Applies only to permanent Civil Service positions.
- Section III: Applies only to permanent non-Civil Service positions.

Section I: All City Agencies

RESPONSIBILITY

ACTION

- Agency
 - 1. Complete an EMPLOYEE ACTION REQUEST (28-1608-5021) [AM-231-1-1].
 - 2. Retain “Agency Initial Copy” and submit request (with carbons

a

AM-232-1-1

m

***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

intact) to:

FREEZE COMMITTEE
Bureau of the Budget
and Management Research
City Hall

Attach a copy of appropriate CUT-OFF
NOTICE or CHANGE NOTICE as proof that
vacancy exists.

- Freeze Committee

3. Review request:

a.) If disapproved, indicate decision on request form
and return all copies to agency. Procedure ends here.

b.) If approved, indicate decision on request form, and
retain "Freeze Committee Copy" for files. Distribute
remaining copies as follows:

- If vacant Civil Service position, return "Agency
Intermediate Copy" to agency for files. Forward
remaining copies to the Civil Service Commission.
- If vacant non-Civil Service position, forward all copies to
agency.

Agency

4. Proceed to Section II or III of this procedure,
as applicable.

Section II: Civil Service Positions

Civil Service
Commission

1. Upon receipt from Freeze committee of approved
request, determine proper class of vacant position:

a.) If new position created in budget, analyze duties
and responsibilities to ensure that class included

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AM-232-1-1

m

***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

in budget is correct.

- b.) If new position created through direct request to Board of Estimates, check EMPLOYEE ACTION REQUEST (28-1418-5014) [AM-230-1-1] which created the position to ensure that correct class is cited.
- c.) If existing position, analyze duties and responsibilities to ensure that the class has not changed since previous classification action.

If the class as cited on the EMPLOYEE ACTION REQUEST is not proper, take corrective action.

2. Review action requested by agency:

- a.) If transfer requested, approve or disapprove and indicate decision on request form. Distribute copies as follows:
 - If disapproved, retain “CSC Copy” and retain remaining copies to agency.
 - If approved, retain “CSC Copy” and “Payroll Copy” for future processing. Return “Agency Final Copy” to “Agency Final Copy” to agency.
- Civil Service Commission
- b.) If an employment list is requested, and is available, forward the following documents to the agency:
 - “Agency Final Copy” of EMPLOYEE ACTION REQUEST.
 - CERTIFICATION TO APPOINTING OFFICER (CS-7) (Employment List).
 - REPORT OF CERTIFICATION (CS-7A).

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AM-232-1-1

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***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

Retain for future processing the “CSC Copy” and “Payroll Copy” of EMPLOYEE ACTION REQUEST.

c.) If an employment list is requested, but is not available, schedule examination. Forward “Agency Final Copy” of EMPLOYEE ACTION REQUEST to agency. (Retain “CSC Copy” and “Payroll Copy” for future processing.) After testing applicants, forward the following documents to the agency:

- CERTIFICATION TO APPOINTING OFFICER (CS-7) (Employment List).
- REPORT OF CERTIFICATION (CS-7A).

Agency

3. Upon receipt of documents from the Civil Service Commission:

- a.) If transfer approved, notify selected employee. File “Agency Final Copy”. of EMPLOYEE ACTION Request and destroy “Agency Intermediate Copy”.
- b.) If eligible list received, schedule interview with eligible and make a selection within 30 calendar days from the date that the employment list was furnished by Civil Service. If a selection or a request for additional names is not made within 30 days, the agency’s approval to hire is invalidated.

NOTE:

Agencies must give preference to City residents when hiring new City employees. (Preference need not be given City residents if the position is to be filled by the transfer of a City employee.) If an agency finds it necessary to fill the position with a non-City resident, approval must be obtained from the Mayor by submitting a NON-CITY RESIDENT

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AM-232-1-1

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***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

APPROVAL REQUEST (28-1258-5036) [AM-231-1-2].

4. After selection has been made:
 - a.) Complete REPORT OF CERTIFICATION (showing actions taken on each candidate) and return to Civil Service.
 - b.) File CERTIFICATION TO APPOINTING OFFICER.
 - c.) File “Agency Final Copy” of EMPLOYEE ACTION REQUEST. (Destroy “Agency Intermediate Copy”.)
5. Have prospective employees take the following actions where necessary:
 - a.) If the job duties will involve physical labor, have employee undergo medical examination by the Medical Services Division of the Civil Service Commission.
 - b.) If employee is 17 years of age or under, have him obtain a WORK PERMIT. (See AM-205-15 for details.)
6. Inform employee that it is illegal for him to engage in any type of strike-related activity against the Mayor and City Council of Baltimore. Have employee sign a RECEIPT OF STRIKE INFORMATION (28-1408-5024) [AM-231-1-3]. Retain in agency files.
7. Process employee records as described below:
 - a.) FOR NEW employees:
 - Complete the following forms
 - ENTRY TICKET (28-1618-5142) [AM-205-4-2]. Remove and retain “RECORD COPY” for files; leave carbons intact.

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AM-232-1-1

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***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

- WITHHOLDING EXEMPTION

CERTIFICATES:

- FEDERAL W-4 (28-1428-5079).
- STATE MW-507 (28-1428-5109).

- Attach the following documents to the new ENTRY TICKET:

- “CSC/Payroll Copy” of NON- CITY RESIDENT APPROVAL REQUEST, if applicable. (Retain “Agency Final Copy” in files.)

- WITHHOLDING CERTIFICATES:

- FEDERAL W-4.
- STATE MW-507.

- Forward ENTRY TICKET and attachments to Civil Service Commission at least 3 work days prior to end of payroll period. (If submission is after this deadline, the employee will not be paid until the end of next payroll period.)

b.) For employees currently filling a Civil Service position who are to be transferred to another Civil Service position, complete a CHANGE NOTICE (28-1618-5143) [AM-205-4-5. Remove and retain “Record Copy” for files. Forward remaining copies (with carbons intact) to Civil Service at least 3 work days prior to end of payroll period.

Civil Service

8. Separate all copies of forms received from agency. Attach the following documents to the “Payroll Copy” of the ENTRY TICKET or CHANGE

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AM-232-1-1

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***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

NOTICE:

- “Payroll Copy” of EMPLOYEE ACTION REQUEST.
 - “CSC/Payroll Copy” of NON-CITY RESIDENT APPROVAL Request (if applicable).
 - WITHHOLDING CERTIFICATES (if applicable):
 - FEDERAL W-4.
 - STATE MW-507.
9. Distribute the ENTRY TICKET or CHANGE NOTICE copies (with attachments) as per the instructions on the form.
10. Retain “CSC Copy” of EMPLOYEE ACTION REQUEST for files.

Section III: Non-Civil Service Positions

Agency

1. Upon receipt from Freeze Committee of approved request, select employee through normal agency procedures within 30 calendar days from date of approval. If a selection is not made within 30 calendar days, the agency’s approval to hire is invalidated.

NOTE: Agencies must give preference to City residents when hiring new City Employees. (Preference need not be given City residents if the position is to be filled by the transfer of a City employee.) If an agency finds it necessary to fill the position with a non-City RESIDENT APPROVAL REQUEST (28-1258-5036) [AM-231-1-2].

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AM-232-1-1

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*Filling a Permanent Position
by Hiring or Transfer*

RESPONSIBILITY

ACTION

2. After selection has been made:
 - a.) For NEW City employees:
 - If employee is 17 years of age, or under, have him obtain a WORK PERMIT. (See AM-205-15 for additional information.)
 - Inform employee that it is illegal for him to engage in any type of strike-related activity against the Mayor and City Council of Baltimore. Have employee sign a RECEIPT OF STRIKE INFORMATION (28-1408-5024) [AM-231-1-3]. Retain in agency files.
 - Complete the following forms:
 - ENTRY TICKET (28-1428-5106) [AM-205-4-2].
 - WITHHOLDING EXEMPTIONS CERTIFICATES:
 - FEDERAL W-4 (28-1428-5079).
 - STATE MW-507 (28-1428-5109).
 - Separate all copies of forms. Attach the following documents to the “Payroll Copy” of the ENTRY TICKET:
 - “Payroll Copy” of EMPLOYEE ACTION REQUEST.
 - “CSC/Payroll Copy” of NON_CITY RESIDENTIAL APPROVAL REQUEST (if applicable).
 - WITHHOLDING CERTIFICATES:
 - FEDERAL W-4.
 - STATE MW-507.
 - Distribute the ENTRY TICKET copies as per the instructions on the form. (Central Payroll must receive its copy at least 2 work days prior

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AM-232-1-1

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***Filling a Permanent Position
by Hiring or Transfer***

RESPONSIBILITY

ACTION

- to end of payroll period. If submission is after this deadline, the employee will not be paid until the end of the next payroll period.)
- File “Agency Final Copy” of EMPLOYEE ACTION REQUEST. (Destroy “Agency Intermediate Copy” and “CSC Copy”.)
- b.) For employees currently filling a non-Civil Service position who are to be transferred to another non-Civil Service position:
 - Complete a CHANGE NOTICE (28-1428-5108) [AM-205-4-5].
 - Separate all copies of the CHANGE NOTICE. Attach the “Payroll Copy” of EMPLOYEE ACTION REQUEST to the “Payroll Copy of the CHANGE NOTICE.
 - Distribute the CHANGE NOTICE as per the instructions on the form. (Central Payroll must receive its copy at least 2 work days prior to end of payroll period.)
 - File “Agency Final Copy” of EMPLOYEE ACTION REQUEST. (Destroy “Agency Intermediate Copy” and “CSC Copy”.)

m ***Temporary or Seasonal Employments***

SCOPE

Temporary or seasonal appointments are made to Civil Service positions and non-Civil Service positions, which are deemed temporary positions because of unusually heavy workloads, seasonally heavy workloads or the unexpected availability of additional grant funding with short-term expenditure requirements. The length of a temporary or seasonal appointment is determined by whether it is a Civil Service or non-Civil Service position, agency needs, and funding.

Individuals who have temporary appointments to Civil Service positions are considered temporary employees. Individuals appointed to temporary or seasonal positions, not under Civil Service, are also considered temporary employees. Temporary employees are paid hourly for time actually worked, are not eligible for health benefits or any other employee benefit, and cannot earn leave. However, the one exception is benefit-eligible positions which are grant-funded in non-Civil Service classifications and which have been approved for funding by the Department of Finance, Bureau of the Budget and Management Research. A temporary employee will receive job injury leave if injured on the job. Under the State Workers' Compensation Law, the person will receive two-thirds of his/her average weekly wage.

All temporary employees are required to have a pre-placement physical at the City of Baltimore Occupational Medical Services (Mercy Clinic) at 323 N. Calvert St.

This policy does not cover temporary employees hired through employment agencies.

CIVIL SERVICE POSITIONS

Fully-Funded Permanent Positions

The Director of Human Resources may authorize the temporary appointment of a person not to exceed six (6) months for the following conditions: whenever a vacancy arises in a fully-funded permanent Civil Service position in a classification for which there is no re-employment list and no employment list or an emergency need requires that the position be filled while the process of interviewing eligible candidates is taking place.

The temporary appointment shall continue only until such time as certification of qualified eligible candidates can be made, and a regular appointment becomes effective, according to Civil Service rules and the City Charter.

When there is a need for an emergency temporary appointment in a permanent Civil Service position for less than 60 days, Department of Human Resources approval is not required.

m ***Temporary or Seasonal Employments***

Position Abolishment or No Permanent Funding

A temporary appointment may be made to a Civil Service position when the position is expected to be abolished, or when permanent funding for the position is not available. Whenever such a temporary appointment is requested, the Director of Human Resources may grant authority for the appointment for a period not to exceed one (1) year, provided that the person appointed for more than 60 days meets the minimum qualifications for the classification.

If a Civil Service position that is filled is not abolished within one (1) year or if funding is made available beyond one year, then the Director of Human Resources shall proceed to certify an appropriate eligible list for permanent appointment or may authorize a temporary appointment in accordance the rules listed under Fully-Funded Permanent Positions.

NON-CIVIL SERVICE POSITIONS

Temporary or seasonal employment due to an unusually heavy workload or a seasonally heavy workload is considered non-Civil Service. Positions funded because of short-term grants that are not routinely received are also considered non-Civil Service.

Temporary positions in this category shall be placed in non-Civil Service classifications, and appointments to those classifications shall be audited by the Department of Human Resources each year to insure that appointments to temporary positions in this category shall not be continued for more than two (2) years.

Positions in the category of temporary or seasonal employment which require full-time employment for twelve (12) months per year for more than two (2) years shall be deemed permanent and therefore within the Civil Service, unless the exclusion is extended by the Civil Service Commission prior to the completion of the two-year period.

Temporary or seasonal employment positions, which are later deemed permanent, shall be reclassified and included in the Civil Service and a permanent appointment shall be required according to the Department of Human Resources rules. Persons in temporary positions, which are later deemed permanent, shall not be placed on the official roster until they have been certified and permanently appointed in accordance with these rules.

RELATED POLICIES

231-1 Hiring and Transfers

m ***Temporary or Seasonal Employments***

SCOPE

Temporary or seasonal appointments are made to Civil Service positions and non-Civil Service positions, which are deemed temporary positions because of unusually heavy workloads, seasonally heavy workloads or the unexpected availability of additional grant funding with short-term expenditure requirements. The length of a temporary or seasonal appointment is determined by whether it is a Civil Service or non-Civil Service position, agency needs, and funding.

Individuals who have temporary appointments to Civil Service positions are considered temporary employees. Individuals appointed to temporary or seasonal positions, not under Civil Service, are also considered temporary employees. Temporary employees are paid hourly for time actually worked, are not eligible for health benefits or any other employee benefit, and cannot earn leave. However, the one exception is benefit-eligible positions which are grant-funded in non-Civil Service classifications and which have been approved for funding by the Department of Finance, Bureau of the Budget and Management Research. A temporary employee will receive job injury leave if injured on the job. Under the State Workers' Compensation Law, the person will receive two-thirds of his/her average weekly wage.

All temporary employees are required to have a pre-placement physical at the City of Baltimore Occupational Medical Services (Mercy Clinic) at 323 N. Calvert St.

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m ***Temporary or Seasonal Employments***

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Temporary or seasonal employment positions, which are later deemed permanent, shall be reclassified and included in the Civil Service and a permanent appointment shall be required according to the Department of Human Resources rules. Persons in temporary positions, which are later deemed permanent, shall not be placed on the official roster until they have been certified and permanently appointed in accordance with these rules.

RELATED POLICIES

231-1 Hiring and Transfers

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AM-234-1-1

m **Procedure for Temporary Appointments**

SCOPE

The following procedure for temporary appointments is divided into three sections:

Section I: Applies to Civil Service and Non-Civil Service.

Section II: Applies only to filling Civil Service positions.

Section III: Applies only to filling Non-Civil Service positions.

SECTION I: ALL CITY AGENCIES

RESPONSIBILITY

ACTION

AGENCY

1. Complete an EMPLOYEE ACTION REQUEST (28-1608-5021).

2. Retain "Agency Initial Copy" and submit request (with carbons intact) to:

Agency Budget Analyst
Bureau of the Budget and Management Research
City Hall, Room 469
100 N. Holliday St.

BUDGET BUREAU

3. Review request:

a.) If disapproved, indicate decision on request form and return all copies to agency. Procedure ends here.

b.) If approved, indicate decision on request form, and retain copy for Budget Bureau files. Distribute remaining copies as follows:

- If the agency's personnel actions are governed by the Department of Human Resources return "Agency Intermediate Copy" to agency for files. Forward remaining copies to the Department of Human Resources.

- If the agency's personnel actions are not governed by the Department of Human Resources, forward all copies to agency.

a

AM-234-1-1

m ***Procedure for Temporary Appointments***

RESPONSIBILITY

ACTION

AGENCY

4. Proceed to the Section on Civil Service positions or Non-Civil Service positions of this procedure, as applicable.

SECTION II: CIVIL SERVICE POSITIONS

**DEPARTMENT OF
HUMAN RESOURCES (HR)**

1. Upon receipt from Budget Bureau of approved request:

- a.) If employment list exists and is required to fill the position, forward the following documents to the agency:

- "Agency Final Copy" of EMPLOYEE ACTION REQUEST.
- CERTIFICATION TO APPOINTING OFFICER (Employment List).
- CERTIFICATION OF ELIGIBLES.

Retain for future processing the "HR Copy" and "Payroll Copy" of EMPLOYEE ACTION REQUEST.

- b.) If employment list does not exist for the class, or if the use of an employment list is not necessary to fill position, enter on request form the source from which which agency should hire the temporary employee. Return the "Agency Final Copy" and "Payroll Copy" of EMPLOYEE ACTION REQUEST to agency. File "HR Copy".

a

AM-234-1-1

m Procedure for Temporary Appointments

RESPONSIBILITY

ACTION

AGENCY

2. Upon receipt of documents from the Department of Human Resources:
 - a.) When employment list is received, schedule interviews with eligible candidates and make a selection according to the directions printed on the employment list, furnished by Department of Human Resources. If a selection is not made within the required time frame, the agency's approval to hire is invalidated. If the opportunity for employment is declined by all persons on the employment list, the Department of Human Resources will inform the agency of the source from which it may hire.
 - b.) If no employment list exists or if the use of an employment list is not required, select employee from HR- approved source.
3. After selection of employee has been made:
 - a.) File "Agency Final Copy" of EMPLOYEE ACTION REQUEST. (Destroy "Agency Intermediate Copy".)
 - b.) If employment list was furnished to agency:
 - Complete CERTIFICATION OF ELIGIBLES (showing action taken on each candidate) and return to Department of Human Resources.
 - File CERTIFICATION TO APPOINTING OFFICER.
 - c.) If prospective employee is to be entered on the City payroll:
 - Inform him/her that as an employee that it is illegal for him/her to engage in any type of strike-related activity

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AM-234-1-1

m ***Procedure for Temporary Appointments***

RESPONSIBILITY

ACTION

AGENCY

against the Mayor and City Council of Baltimore. Have employee sign a RECEIPT OF STRIKE INFORMATION (28-1408-5024). Retain in agency files.

- Have employee take the following actions where necessary:
 - Employee is required to have a pre-placement physical at the City of Baltimore Occupational Medical Services (Mercy Clinic), 323 N. Calvert St. Employee takes completed Request for Services (28-1608-5153) with photo ID to the scheduled appointment.
 - If employee is 17 years of age or under, have him/her obtain a WORK PERMIT. (See AM-205-15 for details.)
- Complete the following forms:
 - ENTRY TICKET (28-1618-5142) (AM-205-4-2)
Remove and retain "Record Copy" for files; leave set intact.
 - CUT-OFF NOTICE (28-1608-5144)
Ticket must be pre-dated to end of temporary employment period. (Remove and retain "Record Copy" for files; leave set intact.)
 - WITHHOLDING EXEMPTION CERTIFICATES:
 - FEDERAL W-4 (28-1428-5079).
 - STATE MW-507 (28-1428-5109).

a

AM-234-1-1

m ***Procedure for Temporary Appointments***

RESPONSIBILITY

ACTION

AGENCY

- Attach the following documents to the ENTRY TICKET:
 - WITHHOLDING CERTIFICATES:
 - FEDERAL W-4.
 - STATE MW-507.
 - CUT-OFF NOTICE.
- Forward ENTRY TICKET and attachments to Department of Human Resources at least 3 work days prior to the end of the payroll period. (If submission is after this deadline, the employee will not be paid until the end of the next payroll period.)

Procedure for agency ends here.

**DEPARTMENT OF
HUMAN RESOURCES (HR)**

4. Separate all copies of forms received from agency. Attach the following documents to the "Payroll Copy" of the ENTRY TICKET:
 - WITHHOLDING EXEMPTION CERTIFICATES:
 - FEDERAL W-4.
 - STATE MW-507.
 - "Payroll Copy" of CUT-OFF NOTICE.
 - "Payroll Copy" of EMPLOYEE ACTION REQUEST.
5. Distribute the ENTRY TICKET and CUT-OFF TICKET as per the instructions on the forms.

a

AM-234-1-1

m *Procedure for Temporary Appointments*

SECTION III: NON-CIVIL SERVICE

RESPONSIBILITY

ACTION

AGENCY

1. Upon receipt from Budget Bureau of approved request, select employee through normal agency procedures within 90 calendar days from date of approval. If a selection is not made within 90 calendar days, the agency's approval to hire is invalidated.
2. After selection has been made:
 - a.) Before the employee is to be entered on the City Payroll:
 - Schedule the employee for a pre-placement physical at the City of Baltimore Occupational Medical Services (Mercy Clinic) at 323 N. Calvert St. and complete the Request for Services form for the employee to take with him/her, along with photo ID to the clinic.
 - If employee is 17 years of age or under, have him/her obtain a WORK PERMIT. (See Am-205-15 for additional information.)
 - Inform employee that it is illegal for him/her to engage in any type of strike-related activity against the Mayor and City Council of Baltimore. Have employee sign a RECEIPT OF STRIKE INFORMATION (28-1408-5024) (AM-231-1-3). Retain in agency files.
 - Complete the following forms:
 - ENTRY TICKET (28-1428-5106) (AM-205-4-2).
 - CUT-OFF NOTICE (28-1608-5144) Ticket must be pre-dated to end of temporary employment period.
 - WITHHOLDING EXEMPTION CERTIFICATES:

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AM-234-1-1

m Procedure for Temporary Appointments

RESPONSIBILITY

ACTION

AGENCY

- FEDERAL W-4 (28-1428-5079)
- STATE MW-507 (28-1428-5109)

- Separate all copies of forms. Attach the "Payroll Copies" of documents listed below to the "Payroll Copy" of the ENTRY TICKET:
 - EMPLOYEE ACTION REQUEST.
 - CUT-OFF NOTICE.
 - WITHHOLDING EXEMPTION CERTIFICATES (federal and state).
- Distribute the ENTRY TICKET copies as per the instructions on the form. (Central Payroll must receive its copy at least 3 work days prior to the end of payroll period. If submission is after this deadline, the employee will not be paid until the end of the next payroll period.)
- File "Agency Final Copy" of EMPLOYEE ACTION REQUEST. (Destroy "HR Copy" and "Agency Intermediate Copy".)

SCOPE

This policy addresses promotion of City employees whether serving in a Civil Service or non-Civil Service position. A promotion is a movement by the employee from an existing position to a vacant and funded position of a higher classification and grade. Exceptions in setting and calculating salary in the promotional grade are set forth in order to provide a consistent application of the salary rule upon promotion of an employee.

PROMOTION CONDITIONS

A promotion may be authorized only when the following conditions exist:

Case I

- A vacant position is available and funded in a class and grade higher than that in which the employee is currently filling;

In this case, an employee is required to pass the certification examination and to be selected from that list.

Case II

- An existing position is reclassified to a higher grade and class for which funding is available.

This case involves the reclassification of an existing position to a position, which is in a higher classification and grade. The rules for establishing salary for promotion or "reclassification" are identical.

RESPONSIBILITY

It is the responsibility of the appointing officer to insure that the employee meets all job qualifications for promotion, that the vacant position is within a classification assigned to the organizational unit, and to obtain funding approval for the promotion from the Bureau of the Budget and Management Research. A promotion may not occur without funding approval.

RECLASSIFICATION

A promotion may occur when an employee occupies a position which, as a result of a Civil Service Salary Study, is subsequently reclassified to that of a higher classification.

QUALIFICATIONS

Minimum qualifications to be met by an employee filling a position within the classified Civil Service are established by the Civil Service Commission. Specific requirements relative to education and/or experience are indicated on Civil Service job announcements.

An individual's previous experience must meet the qualifications of a like class in the same occupational area in order to be credited to the employee. When considering previous experience, approved out-of-title work will qualify as necessary experience, but service performed in an "in lieu" capacity will not apply. The appointing officer is responsible for verifying, as necessary, that a candidate for promotion possesses the required qualifications.

Minimum qualifications for promotion to non-Civil Service positions are established by the appropriate agency head.

EMPLOYMENT LISTS

Candidates for promotion to a position in a Civil Service classified class must be selected from a current Civil Service employment eligibility list. Appointing officers are required to interview 5 candidates (the first 5 when the list is ranked) from the list of eligibles when filling a vacant position in a Civil Service classified class. The employment eligibility lists for positions in Civil Service classified classes may be obtained from the Civil Service Commission Support Services Division.

Employment eligibility lists for Civil Service unclassified classes are maintained at the agency level.

Employment eligibility lists for labor positions within the Civil Service classified classes are maintained at the Office of the Mayor.

CITY RESIDENCY

City residency may be a qualifying factor for promotion as determined by the appointing official.

EFFECTIVE DATE OF SALARY CHANGE

An employee's effective date of promotion may not be in advance of the date of issue of the employment eligibility list, Board of Estimates as applicable, or the EMPLOYEE ACTION REQUEST (EAR) which cites funding approval.

Promotions

The effective date of salary change is determined as follows:

- If the employee's date of promotion falls within the first half of a payroll period, the salary change is effective the first day of that payroll period.
- If the employee's date of promotion falls within the second half of a payroll period, the salary change is effective the first day of the following payroll period.

SALARY GUIDELINES

The salary of an employee being promoted to that of a higher classification and grade is computed as follows:

Strip any addendum, e.g., merit, longevity, etc., from the employee's current salary such that the "salary" has been reduced to that of Hiring, Full Performance or Experienced/Senior Level as applicable depending on the designated representation code of the employee's position.

- **CALCULATION A:** Determine the difference in salary between the employee's present level and the next level in his/her current grade; then
- **CALCULATION B:** Determine the difference in salary between the employee's present level and the hiring level of the promotional grade.

If the figure obtained from "A" is less than that of "B", then the employee will be placed at the hiring level of the higher grade.

If the figure obtained from "A" is equal to or greater than that of "B", the employee will be advanced to that level within the promotional grade which is 1 level above the next level used in calculation "A". Restore longevity monies to non-MAPS employees only.

EXCEPTIONS

In order to provide consistency in the application of the salary rule certain exceptions should be noted in calculating the salary and in promotional grade placement.

- **MAPS GRADES**

In those cases involving MAPS 100 and 600 grades, and for computation purposes only, treat merits as "levels" and utilize the same formulas in A & B above to determine promotional salary placement.

Promotions**• PROMOTIONAL GRADE/SALARY PLACEMENT**

If the application of the salary rule fails to yield at least a 4% increase from the current salary which the employee is receiving, place the employee on the level in the promotional grade which provides at least a 4% increase from the employee's current salary. The employee shall not be placed above the top level of the promotional grade, even if such placement yields less than a 4% increase. An employee in grade "999" or who is being promoted to grade "999", shall have his promotional salary calculated according to the 4% increase provision. The salary rule computation shall not apply in this instance.

RELATED POLICIES

AM-204-30	DETERMINATION OF BENEFITS - PART I
AM-204-31	DETERMINATION OF BENEFITS - PART II
AM-205-1	SALARY
AM-214-1	OUT-OF-TITLE WORK
AM-230-3	CREATION AND ABOLISHMENT OF POSITIONS
AM-230-4	RECLASSIFICATION OF POSITIONS
AM-231-1	HIRING AND TRANSFERS
AM-235-1	PROCEDURAL DETAILS ON PROMOTING AN EMPLOYEE
AM-237-1	POSITIONS OF TRUST
AM-290-1	SALARY SCHEDULES
AM-290-15	SALARY SCHEDULES
AM-291-1	CIVIL SERVICE CLASSES
AM-291-2	NON-CIVIL SERVICE CLASSES

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AM-235-1-1

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Promoting an Employee

RESPONSIBILITY

ACTION

Agency

1. Complete an EMPLOYEE ACTION REQUEST (28-1608-502) AM-231-1-1.
2. Retain “Agency Initial Copy”, and submit request with carbons to:

Bureau of the Budget
And Management Research
Room 469, City Hall

Attach a copy of appropriate CUT-OFF TICKET or CHANGE NOTICE as proof that vacancy exists.
3. If personnel actions are not governed by Civil Service:
 - Check employee’s residency status. If the employee selected for promotion is not a City resident, approval must be obtained from the Mayor by submitting a NON- CITY RESIDENT APPROVAL REQUEST (28-1258-5036) {AM-231-1-2}.
 - Complete a CHANGE NOTICE (28-1428-5108) {AM-205-4-5}.
 - Separate all copies of the CHANGE NOTICE. Attach the following documents to the “Payroll Copy” of the CHANGE NOTICE:
 - “Payroll Copy” of EMPLOYEE ACTION REQUEST.

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AM-235-1-1

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Promoting an Employee

RESPONSIBILITY

ACTION

“CSC/Payroll Copy” of NON-CITY RESIDENTIAL APPROVAL REQUEST if applicable.

- Distribute the CHANGE NOTICE with attachments.
- All required documents must be distributed within 30 calendar days from the date that BBMR approved the agency’s request; if this time limit is not met, the agency’s approval to promote is invalidated.

- File “Agency Final Copy” of EMPLOYEE ACTION REQUEST. Destroy “CSC Copy” and “Agency Intermediate Copy”.

PROCEDURE ENDS HERE.

- If personnel actions are governed by Civil Service Commission.

Civil Service Commission

4. Upon receipt of documents from the Agency:
 - Determine proper class of position to be filled by promotion.
 - If new position created in Budget, analyze duties and responsibilities to ensure that class included in budget is correct.

Promoting an Employee

- If a new position created through direct request to Board of Estimates, check EMPLOYEE ACTION REQUEST WITH THE PERSONNEL ACTION REQUEST (29-1418-5014) {AM-230-1-1} which created that position to ensure that correct class is cited.
 - If existing position, analyze duties and responsibilities to ensure that the class has not changed since previous classification
5. If an employment list exists for the requested class, forward the following documents to the agency:
- “Agency Final Copy” of EMPLOYEE ACTION REQUEST. Destroy “Agency Intermediate Copy” and retain “CSC Copy” and “Payroll Copy” for future processing.
 - CERTIFICATION TO APPOINTING OFFICER - Employment List (Civil Service Reference Number).
 - REPORT OF CERTIFICATION (Civil Service Reference Number).
 - If no employment list exists, schedule examination. Forward “Agency Final Copy” of EMPLOYEE ACTION REQUEST to Agency. Destroy “Agency Intermediate Copy” and “Civil Service Copy” for future processing. After testing applicants, forward the following documents to the agency:

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AM-235-1-1

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Promoting an Employee

Agency

- CERTIFICATION TO APPOINTING OFFICER - Employment List (Civil Service Reference Number).
 - REPORT OF CERTIFICATION (Civil Service Reference Number)
6. Make selection from employment list with 30 calendar days from the date that the employment list was furnished by Civil Service. If selection is not made within this time period, the agency's approval to promote is invalidated.
- If an agency finds it necessary to promote non-City resident, approval must be obtained from the Mayor by submitting a NON-CITY RESIDENT APPROVAL REQUEST (28-1258-5036) {AM-232-1-2}.
7. Complete the following:
- REPORT OF CERTIFICATION showing actions taken on each candidate.
 - CHANGE NOTICE (28-1658-5143) {AM-205-4-5}. Remove and retain "RECORD COPY" for files; leave carbons intact.
 - Attach the following documents to CHANGE NOTICE: REPORT OF CERTIFICATION. "CSC/Payroll Copy" of NON-CITY RESIDENT APPROVAL REQUEST if applicable.
 - Forward CHANGE NOTICE and Attachments to Civil Service at least 5 work days prior to end of patrol period.

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AM-235-1-1

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Promoting an Employee

Civil Service Commission

8. File CERTIFICATION TO APPOINTING OFFICER and “Agency Final Copy” of EMPLOYEE ACTION REQUEST and NON-CITY RESIDENT APPROVAL REQUEST if applicable.
9. Separate all copies of the CHANGE NOTICE. Attach the following documents to the “Payroll Copy” of the CHANGE NOTICE:
 - “Payroll Copy” of EMPLOYEE ACTION REQUEST.
 - “CSC/PAYROLL Copy” of NON-CITY RESIDENT APPROVAL REQUEST. if applicable.
10. Distribute the CHANGE NOTICE copies with attachments.
11. Retain “CSC Copy” of EMPLOYEE ACTION REQUEST for files.

Employee-Owned Vehicle

SCOPE

Either the Board of Estimates or the Agency Head may authorize the use of an employee-owned personal vehicle for City business when it is the most practical mode of transportation under the existing circumstances, e.g., out-of-town travel, qualifying local work, etc. Normally such approval is granted when a City-owned vehicle is neither available nor accessible, or it is cost beneficial to authorize use of an employee-owned vehicle. An Agency Head shall use discretion when permitting the use of an employee-owned vehicle in the conduction of City business. The mileage reimbursement an employee receives as a result of using a personal vehicle for City business is taxable and reportable if the reimbursement rate exceeds Internal Revenue Service (IRS) guidelines.

REQUIREMENTS

An employee who uses his personal vehicle for official City business must be trained initially by taking a Defensive Driving Course and then a Recertification class every three (3) years from the Office of Risk Management/Division of Occupational Safety (ORM/DOS). An employee shall also have and maintain automobile insurance in the amount required under existing Maryland motor vehicle laws or laws from the State where your vehicle is registered. The Agency Head should review continued use of an employee-owned vehicle for City business intermittently since applicable insurance rates and employee costs could increase without eligibility for reimbursement. Employee must assume responsibility for reporting all accidents as per AM-501-10 as well as reporting to the City's Occupational Clinic (Mercy Clinic) for injuries and drug/alcohol post-accident testing and to also see Substance Abuse Control Policy (SACP) as required. Failure to adhere to the relevant post-accident procedures and governing policies may result in discipline and/or termination.

REIMBURSEMENT RATES

Employees who have been authorized to use their personal vehicles to perform official City business will be reimbursed for each mile traveled on approved City business in accordance with the approved City rate structure. These rates are subject to change depending on the negotiated agreement governing the employee's position classification.

Effective January 1, 2017 the mileage reimbursement rate for employee-owned personal vehicles is the IRS standard business rate of **53.5¢ per mile** for City Union of Baltimore (CUB); Managerial and Professional Society (MAPS); Locals 44, 558 and 2202, American Federation of State, County and Municipal Employees (AFSCME); elected officials; appointed officials; and unrepresented.

Members of Locals 734 and 964, International Association of Fire Fighters (IAFF), have a transportation rate of \$5.00 when personal vehicles are used for business.

Employee-Owned Vehicle

Employees will be reimbursed for reasonable parking expenditures incurred in the conduct of official City business, e.g., meter charges and parking lot/garage fees. If possible, please obtain a receipt from the parking vendor especially when using a parking lot/garage. Use the receipt to justify the expenditure. At no time shall an employee driving his/her personal vehicle be authorized to use fuel services to fuel their personal vehicle regardless if they are using their personal vehicle for City business. Mileage reimbursement for qualifying work is in lieu of the privilege of utilizing City owned fuel with Fuel Systems.

Such expenses may be claimed by submitting an EMPLOYEE EXPENSE REPORT with appropriate documentation to:

Finance Department, Accounts Payable Division, 401 E. Fayette Street, 5th Floor; Attn: Assistant Accounts Payable Administrator.

No other expenses (such as insurance and gas) in connection with use of an employee-owned vehicle will be defrayed.

QUALIFYING LOCAL WORK

When submitting mileage expenses for qualifying local work, the authorized employee must deduct personal miles traveled, e.g., to and from home, when filling out the EMPLOYEE EXPENSE REPORT. These miles are not subject to reimbursement. Miles traveled in connection with such work must begin and end at the assigned City office location, i.e., the mileage reimbursement for travel may not exceed the map mileage from the normal work site to the temporary work site.

RELATED POLICIES

- | | |
|-------------------|---|
| AM-239-1, | ELECTED OFFICIALS' BUSINESS EXPENSES |
| AM-240-2, | AGENCY HEAD APPROVAL |
| AM-240-3, | BOARD OF ESTIMATES APPROVAL |
| AM-240-11, | EMPLOYEE EXPENSE REPORT |
| AM-501-2, PART I, | TRAINING COURSES/DRIVER PERMITS/AUTHORIZATIONS/
LICENSES FOR CITY-OWNED VEHICLES |
| AM-501-7, | MMVFC - ASSIGNED VEHICLES |
| AM-510-10, | MOTOR VEHICLE ACCIDENT |
| SACP, | SUBSTANCE ABUSE CONTROL POLICY |

Employee-Owned Vehicle

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RELATED POLICIES

- | | |
|-------------------|---|
| AM-239-1, | ELECTED OFFICIALS' BUSINESS EXPENSES |
| AM-240-2, | AGENCY HEAD APPROVAL |
| AM-240-3, | BOARD OF ESTIMATES APPROVAL |
| AM-240-11, | EMPLOYEE EXPENSE REPORT |
| AM-501-2, PART I, | TRAINING COURSES/DRIVER PERMITS/AUTHORIZATIONS/
LICENSES FOR CITY-OWNED VEHICLES |
| AM-501-7, | MMVFC - ASSIGNED VEHICLES |
| AM-510-10, | MOTOR VEHICLE ACCIDENT |
| SACP, | SUBSTANCE ABUSE CONTROL POLICY |

Executive Search Expenses

SCOPE

Under certain circumstances, expenses related to candidate interview requirements associated with filling executive level positions may be defrayed by the City. It is the intention of this policy that payment of interview expenses shall be for those candidates who are deemed to be finalists for executive positions. Executive level positions are limited to agency head and bureau head personnel unless otherwise approved by the Board of Estimates. An agency head may authorize interview expenses providing they do not exceed \$800. Any requirement for payment exceeding \$800 must be specifically approved by the Board of Estimates in advance. Under no circumstances may the expenses to be incurred be advanced to the candidate.

SECOND INTERVIEW

If a candidate is invited for a second interview, an agency head may approve additional expenses providing they do not exceed \$800 for the same candidate to return for a second interview in connection with the vacant executive level position. Board of Estimates approval is necessary for second interview expenses exceeding \$800.

COVERED EXPENSES

Expenses subject to reimbursement are travel by the most economical conveyance, subsistence allowance according to the travel policy and airport limousine expenses. Rental of a vehicle is not authorized in connection with such travel. Any other expense incurred in connection with the travel must be the responsibility of the candidate. Authorized expenses are subject to receipts as required under the citywide travel policy.

CHARGES

It will be the responsibility of the appropriate agency seeking to interview a candidate to absorb the charges within the limit of their approved budget.

REIMBURSEMENT RESPONSIBILITY

It is the responsibility of the agency head to provide the candidate with the appropriate forms to permit reimbursement and inform him of proper procedures in seeking reimbursement for approved travel expenses. It is the responsibility of the candidate to provide the agency head with required receipts within 10 work days of completed travel so that reimbursement may be requested. Failure to do so or otherwise not provide acceptable receipts for expenses in connection with such travel will result in denial of reimbursement expenses.

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Executive Search Expenses

RELATED POLICIES:

[AM-240-1](#) TRAVEL PACKAGE OVERVIEW

[AM-240-2](#) AGENCY HEAD APPROVAL

[AM-240-3](#) BOARD OF ESTIMATES APPROVAL

[AM-240-5](#) SUBSISTENCE ALLOWANCE

AM-240-7 TRAVEL WITHIN CITY LIMITS

Employee Layoff

The City of Baltimore (“City”) recognizes that an Agency may need to lay off an employee due to a lack of work, lack of funds, abolishment of position, or other similar causes. The City’s process, outlined below, allows for Agencies to make infrastructure decisions and, when possible, providing alternative solutions in lieu of laying off affected employees. Federal, state and local laws prohibit an employer from considering factors such as age, gender, race, physical or mental disability, sexual orientation, marital status, national origin, or religion as criteria for layoff. This Policy is subject to amendment and interpretation as determined by the employee’s Contractual Agreement or Memorandum of Understanding (“MOU”).

I. PURPOSE

The purpose of this Policy is to ensure that City Agencies who may encounter situations such as lack of work, lack of funds, abolishment of positions, or other similar causes, have a way to restructure the Agency to fit the current goals and needs.

II. SCOPE

This Policy is limited to all regular full-time and part-time employees involved in the City’s operations. This Policy may affect, but is inapplicable, to temporary employees, probationary employees, contractual employees, and appointed employees. For example, this group of employees may be the first to be separated before layoff of regular employees

III. DEFINITIONS

- A. Lay-Off:** Suspension or termination of employment, of no fault of the employee, due to a lack of work, lack of funds, abolition of position, or other similar causes.
- B. Organizational Unit:** Any City department or part of a department, declared by regulations duly adopted by the Commission, to be a unit for purposes of administration. A current description of layoff organizational units is on file at the Office of the Labor Commissioner (“OLC”).
- C. Transfer:** A transfer shall mean the appointment of an employee: (1) to a position in the same class outside the authority of the original appointing officer, or (2) to a position under the authority of the same appointing officer in a comparable class which require similar knowledge, skills, and abilities.

IV. ALTERNATIVES TO LAYOFFS

Agency Heads must consider alternative measures prior to laying off affected employees. Any alternatives which involve line item budget changes require the approval of the Bureau of the Budget and Management Research (“BBMR”).

- A. Departing Employees.** Agency Heads should first consult with the Agency’s HR Practitioner to identify employees who will retire, separate from City employment, transfer to other City employment, or are scheduled to take a leave of absence. Once identified, Agency Heads may proceed with removing the abovementioned employees.
 - 1. **Retiring Employees.** If the employee is eligible for a retirement benefit, the Agency Head should contact Employees’ Retirement Systems or Fire and Police Employees’ Retirement

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AM 241-1

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Employee Layoff

System. The Agency Head must consult with the Mayor's Office, the Director of Human Resources, and the Law Department prior to certifying the job removal.

- B. Existing Employees.** Agencies may also reduce the impact or number of layoffs by performing one or more of the following actions:
1. Obtain other sources of funding for existing positions;
 2. Reduce other personnel costs, such as overtime;
 3. Accept requests for voluntary lay-off (Agency Head approval is required);
 4. Transfer employees assigned to expiring grant programs;
 5. Transfer employees to positions in other qualified classifications at the same or lower grade level; or
 6. Terminate temporary and probationary employees. Terminations of temporary and probationary employees are not considered layoffs. Temporary and probationary employees who have been terminated are not eligible for benefits and privileges available to regular full-time and part-time employees being laid off.

V. SELECTION OF LAID OFF EMPLOYEES

- A.** Agency Heads must select those classifications from which layoffs will occur. Selection of classifications may be based on the need for supervision, the performance of the duties of classification, or special types of employees such as departing employees (*see Section IV(A)* above).
- B.** Within the selected layoff organizational units and classifications, Agency Heads must primarily consider the good of the public service when selecting affected employee(s). The following employee characteristics govern such selection, subject to the employee's current negotiated contractual agreement or MOU:
1. For an employee whose job classification is not of an executive, administrative, technical, or professional nature:
 - a. Work performance (must be at least satisfactory).
 - b. Length of service in present classification and in present organizational unit.
 2. For an employee whose job classification is of an executive, administrative, technical, or professional nature:
 - a. Work performance (must be at least satisfactory).
 - b. Characteristics of the individual that contribute to the efficient operation of the organizational unit.
 - c. Skills and education compared to agency needs.
 - d. Length of service in present classification.
 - e. Length of service in previous classification(s) in the series.

Employee Layoff

VI. OFFICIAL DATE OF LAYOFF

- A. If a position is abolished in the budget process, the position must be vacated no later than two (2) weeks after the budget is finalized, with at least thirty (30) day notice to the affected employees. If a position is abolished or unfunded by a special action of the Board of Estimates, the effective date of the layoff is at least two (2) weeks after the Board's action. Agency Heads must ensure the positions are vacated through layoff or transfer. Transfers are subject to approval of the BBMR and DHR. Changes from full-time to part-time employment are also subject to the approval of the BBMR.

VII. LAYOFF TIMELINE

A. Sixty (60) Days Before Layoff

1. Agency Heads shall determine job classifications and organizational units from which employee(s) will be laid off. The layoff lists are developed using the criteria specified in this Policy or current contractual agreement or MOU, as applicable.
2. For each organizational unit, develop a list of employees in each classification from which layoffs will occur. List employees in order of their promotion dates beginning with the least senior employee. Agency files shall retain the seniority list.

B. Thirty (30) Days Before Layoff

1. Send to the OLC, DHR, Agency Equal Opportunity Officer ("Agency EEO"), and Law Department a Memorandum containing the following information on the employee(s) to be laid off:
 - a. Organizational Unit;
 - b. Class number and title;
 - c. Employee Name;
 - d. Employee Identification Number;
 - e. Position number;
 - f. Entry Date;
 - g. Length of service in present classification;
 - h. Length of service in organizational unit;
 - i. Reason for layoff;
 - j. Date of layoff;
 - k. Union or employee organization;
 - l. Date of Birth;
 - m. Gender; and
 - n. Race.Retain a copy of the Memorandum in the affected employee's official personnel file and the Agency's file.
2. Upon receipt of the Agency's Memorandum, the OLC shall verify the layoff list and notify the appropriate union or bargaining unit of the proposed layoff; the OLC shall also verify that selection rules are followed for Civil Service positions. When a selection is invalid, the

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AM 241-1

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Employee Layoff

Agency must provide the OLC with new name(s) within two (2) working days. The OLC shall also notify Employee Retirement System and DHR of the affected employee's status.

3. Upon receipt of the Agency's Memorandum, the Agency's EEO must review the proposed layoff and determine its impact on the Agency's Affirmative Action Plan.
4. Once the list of affected employee(s) is approved, the Agency's HR Practitioner shall create a layoff package for distribution to affected employees. The following material should be included in the layoff package:
 - a. The signed layoff letter;
 - b. Layoff brochure;
 - c. Your Rights Under COBRA and Notice of privacy practices;
 - d. Maryland Unemployment Insurance Brochure;
 - e. Retirement System brochure; and
 - f. Signed memo regarding employee's indebtedness, if applicable.

C. Three (3) Weeks Before Layoff

1. The Agency's EEO shall provide written comments, if any, to the Agency Head regarding the impact of the proposed layoff on the Agency's affirmative action plan.
2. The OLC will verify that the selection of employees for layoff conforms to provisions of the contractual agreements, layoff organizational units and other selection criteria. The Labor Commissioner shall notify the appropriate unions or employee organizations of the proposed layoffs.
3. DHR's Employee Benefits Division shall, if requested, confer with the affected employee(s) on eligible health benefit plan options. An employee's existing active health benefits coverage ends at the end of the month in which the layoff date occurs, unless informed otherwise by DHR.
4. DHR's Recruitment Division shall, if requested, confer with the affected employee(s) on eligibility for other City positions.

D. Two (2) Weeks Before Layoff

1. The Agency HR Practitioner shall meet with the affected employee, and the employee's union representative, if applicable, to discuss the layoff and pertinent information related to the layoff;
2. The Agency HR Practitioner shall mail via certified mail, return receipt requested, the layoff letter to the affected employee's last known home address. The layoff letter shall include the following information:
 - a. Date of layoff;
 - b. Reason for layoff; and
 - c. A statement that the separation from service is a result of a layoff and is through no fault of the employee.

Employee Layoff

Attached to this letter must be a copy of Information for Laid-Off Employees. A copy of the signed employee layoff letter shall be sent to DHR's Policy and Compliance Division.

E. Day of Layoff

1. The Agency HR Practitioner shall conduct an Exit Interview with the employee;
2. The Agency HR Practitioner shall inform the employee of any due compensation for unused vacation leave, personal leave, sick leave, compensatory leave, as applicable, and that payment will be received in a lump sum.
3. The Agency HR Practitioner shall, if applicable, discuss the employee's indebtedness to the City. Follow the procedure outlined in *AM 205-4 Employee Indebtedness*.
4. Complete an Employee Termination Checklist;
5. Advise the employee to confer with the Municipal Employees Credit Union Inc. (MECU) regarding any outstanding loans and membership entitlement, if applicable. Notify MECU accordingly of employee status.
6. Inform employee that COBRA notification will be mailed directly to the employee's last known address and that the employee has 60 (sixty) days from the date of separation to apply for COBRA benefits.
7. Enter termination information in HRIS. The reason code should indicate layoff.
 - a. **For employees eligible to retire:** The reason code should indicate **both** retired and lay-off.
8. Send Central Payroll a completed and signed termination checklist and a copy of *AM 205-4-1 Notification of Employee Indebtedness (Memo to Employee)*, if applicable.
9. **For Civil Service Employees only:** No later than the affected employee(s) last day, DHR's Recruitment Division shall place the affected employee(s) on the reemployment list(s) in accordance with Civil Service Rules 39 and 52.
10. **For Retiring Employees only:** No later than the affected employee(s) last day, the employee shall confer with either Employees' Retirement System or Fire or Police Employees' Retirement System so that appropriate paperwork regarding benefits is processed.

F. After Layoff

1. Central Payroll shall record the following information about the laid off employee:
 - a. Conversion of sick leave days to cash;
 - b. Number of sick leave days not converted to cash;
 - c. Unused compensatory leave if applicable (employees should refer to their respective MOU) before payment for accumulated compensatory leave as applicable;
 - d. Total length of City service;
 - e. Length of service in level of current salary grade; and
 - f. Subject to FLSA requirements, any accrued leave may be subject to withholding due to indebtedness with the City.

Employee Layoff

Once recorded, Central Payroll shall, with the consultation of the Law Department, Collections Division, prepare and issue the employee's final paycheck and payment for unused leave, minus any amount of the employee's indebtedness to the City, within thirty (30) calendar days. If an employee is indebted to the City, the employee should be advised to contact the Law Department, Collection Division.

2. The Agency's HR Practitioner shall retain a copy of Central Payroll's record in the employee's official personnel file and the Agency's file.

VIII. SECURITY

- A. Prior to giving the notice of layoff to affected employees, the Agency Head or designee must review access to the various City systems including, but not limited to, email, e-time, and HRIS. The Agency Head or designee must determine if access to any of the systems should be revoked prior to the employee's last day. MOIT must be notified of the Agency's decision in accordance with *AM 118-1 Electronic Communications Policy* and *AM 509-2 Pagers and Cellular Phones*.
- B. If personal safety is a concern, the employee to be laid off may be granted administrative leave with pay from the date of notice is received until the effective date of layoff. The OLC must authorize all requests for administrative leave with pay.

IX. MANDATORY SEPARATION FROM ABOLISHED OR UNFUNDED POSITIONS

- A. The Agency must remove incumbent employees from positions which are abolished or unfunded. DHR shall perform the following actions:
 1. Compare final layoff list to BOE's action. If there are any position numbers for abolishment without an employee listed on the layoff list, ascertain whether the job is vacant. If vacant, no other action will be taken. If filled, BBMR will notify the Agency to place the employee on the layoff list or laterally transfer employee to a funded vacant position with another position number.
 2. If the appointing officer has not processed the lay off for the affected employee by the official date of layoff, DHR will inform the Agency Head.

X. USE OF LEAVE PRIOR TO DATE OF LAYOFF

- A. Vacation, Personal, and Compensatory Leave: Use must comply with the City's policies governing such leave and the applicable contractual agreement or MOU.
- B. Sick Leave: Employees may use accumulated sick leave prior to the date of layoff, provided that the employee presents satisfactory medical documentation for the days used or the Agency Head is satisfied with such usage.

Employee Layoff

XI. UNEMPLOYMENT COMPENSATION CLAIM

Laid off employees may apply for unemployment compensation from the State of Maryland. To obtain information about eligibility, compensation benefits, and the application process, laid off employees should contact the Maryland State Department of Labor Licensing and Regulation.

XII. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

XIII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XIV. RELATED POLICIES

- MOUs <http://labor-commissioner.baltimorecity.gov/contract-agreements>
- AM 241-1-1 Employee Layoff Checklist
- AM 241-1-2 Employee Layoff: Layoff Letter
- AM 204-4 Vacation and Personal Leave
- AM 204-14 Sick Leave
- AM 205-4 Employee Indebtedness
- AM 205-4-1 Notification of Employee Indebtedness (Memo to Employee)
- AM 118-1 Electronic Communications Policy
- AM 509-2 Pagers and Cellular Phones
- RULE 39 Re-Employment Lists
- RULE 52 Lay-Off

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AM 241-1-1

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Employee Layoff Checklist

Effective Date and Initial	Layoff Action
<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>Sixty (60) Days Before Layoff</p> <ol style="list-style-type: none"> 1. Agency Heads shall determine job classifications and organizational units from which employee(s) will be laid off. The layoff lists are developed using the criteria specified in this Policy or current contractual agreement or MOU, as applicable. 2. For each organizational unit, develop a list of employees in each classification from which layoffs will occur. List employees in order of their promotion dates beginning with the least senior employee. Agency files shall retain the seniority list.
<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>Thirty (30) Days Before Layoff</p> <ol style="list-style-type: none"> 1. Send to the OLC, DHR, Agency Equal Opportunity Officer (“Agency EEO”), and Law Department a Memorandum containing the following information on the employee(s) to be laid off: <ol style="list-style-type: none"> a. Organizational Unit; b. Class number and title; c. Employee Name; d. Employee Identification Number; e. Position number; f. Entry Date; g. Length of service in present classification; h. Length of service in organizational unit; i. Reason for layoff; j. Date of layoff; k. Union or employee organization; l. Date of Birth; m. Gender; and n. Race. <p>Retain a copy of the Memorandum in the affected employee’s official personnel file and the Agency’s file.</p> 2. Upon receipt of the Agency’s Memorandum, the OLC shall verify the layoff list and notify the appropriate union or bargaining unit of the proposed layoff; the OLC shall also verify that selection rules are followed for Civil Service

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AM 241-1-1

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Employee Layoff Checklist

	<p>positions. When a selection is invalid, the Agency must provide the OLC with new name(s) within two (2) working days. The OLC shall also notify Employee Retirement System and DHR of the affected employee's status.</p> <ol style="list-style-type: none">3. Upon receipt of the Agency's Memorandum, the Agency's EEO must review the proposed layoff and determine its impact on the Agency's Affirmative Action Plan.4. Once the list of affected employee(s) is approved, the Agency's HR Practitioner shall create a layoff package for distribution to affected employees. The following material should be included in the layoff package:<ol style="list-style-type: none">a. The signed layoff letter;b. Layoff brochure;c. Your Rights Under COBRA and Notice of privacy practices;d. Maryland Unemployment Insurance Brochure;e. Retirement System brochure; andf. Signed memo regarding employee's indebtedness, if applicable.
<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>Three (3) Weeks Before Layoff</p> <ol style="list-style-type: none">1. The Agency's EEO shall provide written comments, if any, to the Agency Head regarding the impact of the proposed layoff on the Agency's affirmative action plan.2. The OLC will verify that the selection of employees for layoff conforms to provisions of the contractual agreements, layoff organizational units and other selection criteria. The Labor Commissioner shall notify the appropriate unions or employee organizations of the proposed layoffs.3. DHR's Employee Benefits Division shall, if requested, confer with the affected employee(s) on eligible health benefit plan options. An employee's existing active health benefits coverage ends at the end of the month in which the layoff date occurs, unless informed otherwise by DHR.4. DHR's Recruitment Division shall, if requested, confer with the affected employee(s) on eligibility for other City positions.

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AM 241-1-1

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Employee Layoff Checklist

<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>Two (2) Weeks Before Layoff</p> <ol style="list-style-type: none">1. The Agency HR Practitioner shall meet with the affected employee, and the employee’s union representative, if applicable, to discuss the layoff and pertinent information related to the layoff;2. The Agency HR Practitioner shall mail via certified mail, return receipt requested, the layoff letter to the affected employee’s last known home address. The layoff letter shall include the following information:<ol style="list-style-type: none">a. Date of layoff;b. Reason for layoff; andc. A statement that the separation from service is a result of a layoff and is through no fault of the employee.Attached to this letter must be a copy of Information for Laid-Off Employees. A copy of the signed employee layoff letter shall be sent to DHR’s Policy and Compliance Division.
<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>Day of Layoff</p> <ol style="list-style-type: none">1. The Agency HR Practitioner shall conduct an Exit Interview with the employee;2. The Agency HR Practitioner shall inform the employee of any due compensation for unused vacation leave, personal leave, sick leave, compensatory leave, as applicable, and that payment will be received in a lump sum.3. The Agency HR Practitioner shall, if applicable, discuss the employee’s indebtedness to the City. Follow the procedure outlined in <i>AM 205-4 Employee Indebtedness</i>.4. Complete an Employee Termination Checklist;5. Advise the employee to confer with the Municipal Employees Credit Union Inc. (MECU) regarding any outstanding loans and membership entitlement, if applicable. Notify MECU accordingly of employee status.6. Inform employee that COBRA notification will be mailed directly to the employee’s last known address and that the employee has 60 (sixty) days from the date of separation to apply for COBRA benefits.7. Enter termination information in HRIS. The reason code should indicate layoff.<ol style="list-style-type: none">d. For employees eligible to retire: The reason code should indicate <u>both</u> retired and lay-off.

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AM 241-1-1

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Employee Layoff Checklist

	<p>8. Send Central Payroll a completed and signed termination checklist and a copy of <i>AM 205-4-1 Notification of Employee Indebtedness (Memo to Employee)</i>, if applicable.</p> <p>9. For Civil Service Employees only: No later than the affected employee(s) last day, DHR’s Recruitment Division shall place the affected employee(s) on the reemployment list(s) in accordance with Civil Service Rules 39 and 52.</p> <p>10. For Retiring Employees only: No later than the affected employee(s) last day, the employee shall confer with either Employees’ Retirement System or Fire or Police Employees’ Retirement System so that appropriate paperwork regarding benefits is processed.</p>
<p>_____</p> <p>Date</p> <p>_____</p> <p>Agency HR Practitioner Initial</p>	<p>After Layoff</p> <p>1. Central Payroll shall record the following information about the laid off employee:</p> <ul style="list-style-type: none">a. Conversion of sick leave days to cash;b. Number of sick leave days not converted to cash;c. Unused compensatory leave if applicable (employees should refer to their respective MOU) before payment for accumulated compensatory leave as applicable;d. Total length of City service;e. Length of service in level of current salary grade; andf. Subject to FLSA requirements, any accrued leave may be subject to withholding due to indebtedness with the City. <p>Once recorded, Central Payroll shall, with the consultation of the Law Department, Collections Division, prepare and issue the employee’s final paycheck and payment for unused leave, minus any amount of the employee’s indebtedness to the City, within thirty (30) calendar days. If an employee is indebted to the City, the employee should be advised to contact the Law Department, Collection Division.</p> <p>2. The Agency’s HR Practitioner shall retain a copy of Central Payroll’s record in the employee’s official personnel file and</p>



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AM 241-1-1

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Employee Layoff Checklist

	the Agency's file.
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AM 241-1-2

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***Employee Layoff:
Layoff Letter***

Certified Mail #

Date

Employee Name
Employee Address
Employee City, State, Zip code

Dear Employee,

[Introduction]: I regret to inform you that you are being laid off effective insert date. You are being laid off because insert reason for the layoff. Your layoff with the City is through no fault of your own.

[Paragraph One]: In accordance with Civil Service Rule 39, your name will be placed on the re-employment list.

[Paragraph Two]: [Add for Civil Service Employees ONLY] The enclosed bulletin, "Information for Laid-Off Employees," will assist in answering some questions which might arise. If additional information is needed, please contact insert name of Agency HR Practitioner at insert phone number.

Sincerely,

Name of Agency Head or designee
Title of Agency Head or designee

cc: Name of Agency HR Representative, Title of Agency HR Representative
Office of the Labor Commissioner
Department of Human Resources
Union
Personnel File

Exit Interview

The City of Baltimore (“City”) recognizes the need to attract and maintain a competitive workforce. Exit Interviews shall be used as a mechanism by Agencies to identify problems in the work environment and assist Agencies in achieving the City’s overall goal.

I. PURPOSE

The purpose of this Policy is to acquire valuable information from City employees who are leaving the City about their work experience. Information from the Exit Interview will be used to highlight areas of improvement with respect to the City’s basic operations, such as workload, management, and supervision. Information acquired from the Exit Interview will also inform the City of the primary reasons employees leave the City, which will, in turn, help Agencies develop retention strategies for its current and future workforce.

II. SCOPE

This Policy applies to all employees involved in the City’s operations, including, but not limited to, regular full and part-time, probationary, seasonal, temporary, as well as the appointed staff for elected officials. Though not considered employees, independent contractors and volunteers are bound by the restrictions of this Policy.

III. INTERVIEW PROCEDURE

Exit Interviews shall be conducted on the employee’s last day with the City, but no later than five (5) business days after the employee’s departure. The Exit Interview shall be performed by the Agency’s Human Resources Practitioner using the survey platform provided by the Department of Human Resources (“DHR”), which can be found on DHR’s Intranet page under “HR Tools.” Interviews are to be held in a private location with ample time to allow for the Agency HR Practitioner and employee to discuss comments provided in the interview.

IV. CONFIDENTIALITY

The information received through the Exit Interviews will be confidential. No specific information that could possibly be traced back to a former employee will be disseminated or discussed.

V. AUTHORITY

This Policy was issued pursuant to AM 002-1 and 002-1-2 Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval

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AM 241-2

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Exit Interview

VI. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VII. RELATED POLICIES

AM 241-2-1	Employee Clearance on Termination
AM 241-2-2	Employee Clearance Checklist

Employee Clearance on Termination

The City of Baltimore (“City”) recognizes the importance of maintaining all City-owned property used to complete City operations. When an employee leaves the City, an *AM 241-2-2 Employee Clearance Checklist* (“AM 241-2-2”) must be completed by the Agency HR Practitioner and employee.

I. PURPOSE

The purpose of this Policy is to ensure that all City-owned equipment, records, and City-issued items are returned to the City. In addition, custodian accounts must be accounted for and reconciled, and employee access and user privileges (as applicable) must be revoked for future use.

II. SCOPE

This Policy applies to all employees involved in the City’s operations, including, but not limited to, regular full and part-time, probationary, seasonal, temporary, elected officials, and appointed staff for elected officials. Though not considered employees, independent contractors and volunteers are bound by the restrictions of this Policy.

III. COMPLETION INSTRUCTIONS

AM 241-2-2 shall be completed on the last day of employment, but no later than three (3) days after separation from the City. The Agency HR Practitioner filling out *AM 241-2-2* shall initial next to all items that have been returned by the departing employee. Once complete, the Agency HR Practitioner and employee shall sign *AM 241-2-2*. One (1) signed copy shall be provided to the employee, one (1) signed copy shall be sent to Department of Finance - Central Payroll, and one (1) signed copy shall be retained in the employee’s personnel file.

IV. REPORTED SHORTAGES

Restitution is required when the departing employee is responsible for a shortage of equipment or funds. The amount owed may be paid by adjusting the final paycheck. If any unpaid balance still remains, the Department of Finance will issue a “Miscellaneous Bill” to the employee. If the employee does not pay the bill, the Collections Division of the City Law Department will file for a judgment against the employee. If the Court finds in favor of the City, the employee’s earnings from any subsequent employer will be garnished until the principal amount (plus court costs, legal fees, and interest) is paid in full.

V. REPORTED LOSSES

Any loss of keys, key cards, fuel cards, credit cards, or drug prescription cards should be reported to the Agency’s HR Practitioner, who will contact the issuing City Agency.

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AM 241-2-1

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Employee Clearance on Termination

VI. AUTHORITY

This Policy was issued pursuant to AM 002-1 and 002-1-2 Administrative Manual wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

VII. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City's Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

VIII. RELATED POLICIES

AM 241-2	Exit Interview
AM 241-2-2	Employee Clearance Checklist

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AM 241-2-2

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Employee Clearance Checklist

Employee Access Privileges	Serial #/Identifying Information	Date Received/Completed
Keys and Key Cards		
Employee Identification		
City Driver's Permit		
Fuel Card		
Credit Cards		
Passwords for all devices		
Other:		
Action Items		Date Received/Completed
Call 311 to create Service Request (SR)	SR#	
Agency HR Practitioner must complete form at: https://cob/moit/acct to disable employee's access to City accounts. Use your computer log-in and password to open this document.		
Other:		

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AM 241-2-2

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Employee Clearance Checklist

Section II: Acknowledgement

I acknowledge that I have turned in or properly transferred all equipment, funds, official records, official identification, and other employee access items in my possession.

Employee's Name

Date

Employee's Signature

Date

Agency HR Practitioner's Name

Date

Agency HR Practitioner's Signature

Date

Employee is unavailable for signature Reason: _____

Agency HR Practitioner Certification: The employee is unavailable to sign the form. I have verified that the employee turned in or properly transferred all equipment, funds, official records, official identification, and other employee access items in their possession.

Agency HR Practitioner's Name

Date

Agency HR Practitioner's Signature

Date