

## CHAPTER 37: FIRE AND EMERGENCY MEDICAL SERVICES

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**§ 37.001 ESTABLISHMENT AND PURPOSE OF THE DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES.**

(A) (1) There is hereby established a department of the Carroll County government which shall be known as the Department of Fire and Emergency Medical Services (“the Department” or “DFEMS”).

(2) This Department shall consist of both career and volunteer members who operate under the authority of the Director/Chief and shall be responsible for the full scope of fire prevention, fire suppression, hazardous materials, emergency medical services and other related public safety functions provided to Carroll County and its municipalities.

(B) Participating individual volunteer fire and rescue organizations and the Carroll County Volunteer Emergency Services Association (“CCVESA”) shall operate as organizational components of the Department.

(Ord. 2020-06, passed 10-1-2020)

(C) There shall be an Emergency Services Advisory Council (ESAC) established to serve in an official advisory capacity to the DFEMS.

(1) The method of selection of ESAC representatives shall be made by the Commissioners in accordance with county regulations governing Boards/commissions.

(2) The ESAC shall meet at least annually with the Board of County Commissioners to discuss mutual concerns relative to the DFEMS.

(3) The established ESAC bylaws shall serve as the operating parameters for ESAC.

**§ 37.500 DIRECTOR/CHIEF OF THE DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES.**

(A) There shall be a Director/Chief (“the Director/Chief”) of the Department.

(B) Subject to appointment by the County Commissioners, the Director/Chief shall have overall responsibility and full authority for all operations and administration of the Department and its career and volunteer organizational units with the advice and cooperation of any successor advisory board.

(C) The Director/Chief shall perform the duties and carry out the responsibilities set forth in the established job description as authorized by the County and as may be amended from time to time.

(D) The Director/Chief shall be directly responsible to the County Administrator and serve at the pleasure of the County Commissioners.

(E) Each volunteer fire and rescue organization shall remain an independent, legally designated non-profit organization which shall be responsible for its own administrative affairs.

(F) The Director/Chief shall be responsible to establish and enforce the rules, regulations, directives, and procedures of the Department and its organizational components.

(G) The Director/Chief may be empowered by the county to carry out any responsibility of the county governing body as provided in the Code of Public Local Laws and Ordinances of Carroll County, § 3-206.

(Ord. 2020-06, passed 10-1-2020)

### ***AUTHORITY, OBJECTIVE, AND SCOPE: DEFINITIONS***

#### **§ 37.501 AUTHORITY AND OBJECTIVE:**

As authorized by the Local Government Article of the Annotated Code of Maryland, the County Commissioners have adopted this chapter in order to assure fair and equal treatment of county Fire and EMS department uniformed personnel with regard to certain aspects of their employment. The County Commissioners may adopt additional policies and procedures, so long as they are consistent with this chapter or any amendments. However, if any resolution, policy, procedure, or practice relating to employment conditions conflicts with this chapter or any amendments, this chapter governs. The County Commissioners specifically reserve unto themselves as the legislative body the power to amend, alter, and repeal any or all parts of this chapter at any time, and there shall be no rights of property or contract created hereby that are not subject to that power, or which may be extended beyond the specific provision of this chapter.

#### **§ 37.502 SCOPE.**

**Applicability.** This chapter applies to uniformed personnel of the county Department of Fire and Emergency Medical Services (EMS). This chapter does not apply to the Director/Chief or civilian personnel. The Director/Chief shall be responsible for the enforcement of this chapter and shall be guided as directed by the County Commissioners and the County Administrator. Those areas relative to employment practices and policies not enumerated in this chapter shall be deferred to Chapter 36 which shall apply accordingly. This chapter has been created in order to address the specifics of functioning as an employee within the Department of Fire and EMS. It is the intent of this chapter to assure effective execution of prescribed duties in the provision of applicable services

### **§ 37.503 DEFINITIONS:**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**207(k) EMPLOYEE:** A uniformed employee who possesses both firefighter certification as well as an EMS certification.

**ABANDONMENT:** An absence without approved leave for two consecutive shifts.

**ACTIVE EMPLOYEE:** An employee working as scheduled or absent on approved leave.

**ANNIVERSARY DATE:** The initial date on which an employee begins accruing service (usually the initial date of employment).

**BUSINESS DAY:** Monday through Friday, holidays excepted.

**CALLBACK:** A situation where a field vacancy requires an off-duty employee to fill that vacancy.

**CHAPTER:** The Carroll County Department of Fire & EMS Ordinance, as from time to time amended.

**DFEMS:** The Carroll County Department of Fire & Emergency Medical Services.

**DIRECTOR/CHIEF:** Appointed by the County Commissioners and is responsible for the command and administration of the Department of Fire & Emergency Medical Services.

**DISCHARGE:** The involuntary separation of a regular employee from county service.

**ESSENTIAL EMPLOYEE:** All uniformed personnel are considered essential employees.

**FULL-TIME:** An employee regularly scheduled to work at least 30 hours per week.

**GENERAL ORDERS (GO):** General orders shall be time sensitive administrative directives that are issued as needed to clarify specific information, operational practices relevant to DFEMS.

**GRIEVANCE:** A complaint brought pursuant to §§ 37.695 through 37.699:

(1) By a nonsupervisory employee in relation to a dispute between the employee and the county that involves the employee's working conditions and application or interpretation of this chapter (except classification appeals as provided for in §§ 37.552 through 37.554, and performance and salary reviews as provided for in § 37.630);

(2) By any employee in response to disciplinary action against the employee; or

(3) As permitted by §§ 37.714 and 37.715.

**HOLIDAY LEAVE:** An 8.5 hour day for 207(k) employees and one fifth of the work week for uniformed personnel with daywork schedule.

**HUMAN RESOURCES (HR):** The County Commissioners' agency that manages all personnel related matters for employees.

**INACTIVE EMPLOYEE:** An employee not working as scheduled and absent on approved, unpaid leave.

**LEAVE:** An absence from work approved in accordance with this chapter.

**MANDATORY HOLDOVER:** Any situation in field operations in which there is no relieving employee for a current on-duty employee and where the staffed position is essential to the operation of DFEMS.

**MODIFIED DUTY ASSIGNMENT:** Temporary assignment when employee is unable to perform the essential functions of his/her position.

**NON-207(k) EMPLOYEE:** A uniformed employee who possesses an EMS certification and works a shift schedule.

**PART-TIME EMPLOYEE:** An employee regularly scheduled to work at least 18.75 hours but less than 30 hours per week.

**REGULAR EMPLOYEE:** An employee who has satisfactorily completed the initial probationary period and is hired for an indefinite period to fill a position continuing in nature.

**SEVERANCE PAY:** An amount paid to an employee upon dismissal or discharge from employment.

**SHIFT SCHEDULE:** Employees assigned to a 24/72 schedule.

**STANDARD OPERATING PROCEDURES (SOPs):** SOPs shall be area specific guidelines that delineate operational or administrative policies, practices or procedures under the scope and authority of Chapter 37.

**SUPERVISOR:** An employee who holds the rank of lieutenant or higher to manage the performance of other employees, and who exercises independent judgment, making recommendations in such areas as hiring, performance reviews, promotion, discipline, and discharge.

**UNIFORMED EMPLOYEES:** All Fire & EMS employees who are qualified operational responders who perform emergency operations.

**UNIFORMED PERSONNEL WITH DAY WORK SCHEDULE:** Employee's daily hours are one-fifth of weekly base hours (e.g., employees scheduled to work Monday through Friday).

**WORKDAY:** The individual employee's regularly scheduled work hours for the day.

**WORKWEEK.** The period extending from 12:00 a.m. Thursday through 11:59 p.m. Wednesday each week.

## ***DELEGATION OF AUTHORITY***

### **§ 37.518 DEPARTMENT OF FIRE & EMERGENCY MEDICAL SERVICES.**

The Department of Fire & Emergency Medical Services (DFEMS) an operational component of the County Commissioners, has the following authority and responsibilities in conjunction with Human Resources:

- (A) Administering this chapter;

- (B) Ensuring compliance with all applicable laws regulating employment and benefits;
- (C) Informing employees of personnel policies and procedures;
- (D) Establishing and overseeing progressive discipline program for DFEMS employees;
- (E) Providing employee with opportunities to review personnel files in Human Resources.
- (F) Developing and maintaining of all policies, rules, regulations, standard operating procedures (SOPs), General Orders (GOs) and informational bulletins relevant to the operation of DFEMS.

**§ 37.519 MANAGEMENT.**

- (A) Management exercises only those powers delegated by the County Commissioners.
- (B) The County Commissioners retain complete authority to direct the actions of all personnel.
- (C) Persons holding management positions are at all times required to meet the highest standards of efficiency, courtesy, fairness, and commitment to serving the citizens of the county.
- (D) The County Commissioners may amend, add, or abolish any program, policy, benefit, ordinance, resolution, privilege as they deem necessary to the public interest and the efficient operation of County government.

***FILLING POSITIONS***

**§ 37.534 OBJECTIVE.**

The County's objective is to recruit and select the most qualified individuals for DFEMS positions. Recruitment and selection shall be conducted to assure competition and provide equal employment opportunity. No consideration shall be given to any political or partisan endorsement for employment.

**§ 37.535 VACANCIES.**

- (A) Procedure. All requisitions for filling vacancies shall be submitted on the appropriate personnel requisition forms to HR.



(B) Filling vacancies. When a position becomes vacant, unless the Commissioners direct otherwise, HR shall post a notice of intent to fill the vacancy for a minimum of seven consecutive calendar days, unless an employee within the Department in which the vacancy occurs meets the qualifications and is selected for the position.

(C) Vacancy Eligibility List. Human Resources shall maintain an eligibility list of qualified applicants. Qualified applicants shall remain on the eligibility list for up to one year from application date. Vacancies may be hired from this list.

#### **§ 37.536 PROMOTIONS.**

(A) Objective. Vacancies shall be filled by promotion of current employees when practicable, subject to recruitment objective stated in §37.534.

(B) Qualifications for promotion. Selection of an employee for promotion shall be based on the employee's qualifications and job performance.

(C) Selection for promotion – In conjunction with Human Resources, candidates for promotion shall participate in a promotional process.

#### **§ 37.537 TRANSFER.**

(A) DFEMS may transfer an employee within the department from one position to another in the same pay grade.

(B) Transfers will typically be made when a vacancy exists and an employee has an appropriate transfer on file. Transfers shall be made based on an established transfer list and shall be determined based on when an employee submitted a transfer to a specific workplace.

### ***POSITION CLASSIFICATION SYSTEM***

#### **§ 37.552 PURPOSE.**

The position classification system defines and identifies pay grades and positions.

#### **§ 37.553 ADMINISTRATION.**

HR shall classify positions as necessary. HR shall maintain records of communication and actions affecting positions and pay grades, provides for regular review of all position classifications and recommends amendments to the classification system.

## **§ 37.554 CLASSIFICATION OF POSITIONS.**

### **(A) Procedure.**

- (1) HR shall notify all supervisors of procedures and deadlines for information necessary for processing classification of positions.
- (2) On an annual basis HR shall review relevant and reliable data sources to monitor the salary movement of the market. A more in-depth market review to re-evaluate its overall market position and compensation plan shall be conducted every four years.
- (3) HR may evaluate positions when the description has changed and no longer accurately describes the current job duties. Review requests must be in writing to HR by the supervisor with Director/Chief approval.
- (4) HR reviews all position descriptions whenever a department, bureau, office or division is organized or reorganized, or other changes occur. HR shall require departments to review position descriptions periodically to assure accuracy.
- (5) Any pay changes resulting from the review of position descriptions shall take effect on a date determined by HR and the Director of the Department of Management and Budget, or its successor agency.
- (6) The analysis regarding the placement of positions in appropriate pay grades shall be based, among other things, on the relative difficulty and responsibility of the work; the prevailing pay rate for a comparable position in the public and private sectors in the vicinity; the relationships among positions within the county; the recruitment and retention experience of the county, and the county's financial position.

## ***WAGE AND SALARY ADMINISTRATION***

## **§ 37.569 ADMINISTRATION AND AMENDMENT OF PAY PLAN.**

HR administers the county's pay plan and informs employees about pay plans approved by the County Commissioners. The County Commissioners must approve the adoption and amendment of any pay plan for county employees. The County Commissioners may establish, amend, or abolish salary schedules, pay grade assignments, or pay grades. HR shall perform an annual review of the county's pay plan. The pay plan sets forth the salary ranges for employees and salary adjustments such as market equity adjustments or merit pay increases.

## **§ 37.570 ENTRANCE PAY RATE.**

Generally, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted upon the prior approval of the Director of Human Resources and the County Administrator in the following cases:

- A. The minimum rate for each class is based upon the requirement that the applicant meets the minimum qualifications stated in the job description. If it becomes necessary to fill a position with an applicant of lesser qualifications, he/she may begin at a lower grade.
- B. If an applicant more than meets the minimum qualifications and will not accept the position at the minimum rate, he/she may be offered a higher rate of pay. Cases will be thoroughly analyzed and measured against objective standards.
- C. Applicants who have been employed in another fire/EMS department and meet the minimum qualifications may qualify for a lateral entrance pay rate.

#### **§ 37.571 OTHER SALARY ADJUSTMENTS.**

(A) **Transfer.** When an employee is transferred from one position to another within the same pay grade, the pay rate shall be the same. Exceptions for change in pay rate may be granted upon the prior approval of the Director of Human Resources and the County Administrator.

(B) **Promotion.** When an employee is promoted from a position in one pay grade to a position in a higher pay grade, the employee's current rate of pay shall be increased by 10% for the first pay grade, 7% for the second grade, and 3% for any additional grades, to a maximum promotion increase of 20%, or to the base of the new grade, whichever is higher.

(C) **Demotion.** When an employee is voluntarily or involuntarily demoted from a position in one pay grade to a position in a lower pay grade, the employee's current rate of pay shall be decreased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, to a maximum demotion decrease of 20%, or to the maximum of the new grade, whichever is lower.

(D) **Acting capacity.** When an employee is temporarily assigned to perform duties of a position with a higher pay grade, the employee's current rate of pay shall be increased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, if applicable, to a maximum promotion increase of 20%, or to the base of the acting grade, whichever is higher. Acting capacity pay may not exceed the maximum pay rate for the temporary position's assigned pay grade.

(1) Acting capacity pay only applies to temporary assignments anticipated to be at least 30 consecutive days in duration and shall begin with the first full day of acting capacity.

(2) An employee or appointed official promoted to the position after serving in acting capacity shall receive the promotion salary increase based on the pre-acting capacity pay rate; however, the salary, after promotion, shall not be less than the acting capacity pay rate.

(3) When an employee or appointed official assumes responsibilities of a position in acting capacity that result in a change to the exempt or non-exempt status under the Fair Labor Standards Act (FLSA), the employee or appointed official shall be compensated accordingly.

(4) Acting capacity pay may be awarded for a period not to exceed six months, unless specifically approved by the County Commissioners.

(5) The Director/Chief shall request and HR shall authorize and process acting capacity pay for employees. The County Commissioners shall authorize acting capacity pay for appointed officials.

(6) At the conclusion of the acting capacity assignment, the employee will return to the position from which he/she was assigned and to the rate of pay in effect prior to the assignment plus any salary adjustments awarded.

#### **§ 37.572 OVERTIME PAY.**

(A) Overtime must be authorized in advance, except in emergencies, by the Director/Chief, subject to budgetary considerations.

(1) Overtime shall be paid for any time worked in excess of 212 hours within the 28-day cycle for Fair Labor Standards Act (FLSA) defined 207(k) employees.

(2) Non-207(k) qualified employees and uniformed personnel with daywork schedule shall receive overtime pay for any hours worked in excess of 40 hours per workweek.

(B) Exempt employees. An exempt employee under the FLSA shall be ineligible for overtime pay or compensatory time.

(C) A non-exempt employee under the FLSA shall be compensated for overtime at one and one-half times the regular hourly pay rate.

#### **§ 37.573 CALLBACK**

(A) Callback shall be made for any staffing situation in which there is an employee vacancy that is unable to be covered by on-duty staffing.

(1) DFEMS shall maintain a countywide callback list which shall be grouped by rank, qualifications and seniority. The list shall be maintained by the on-duty Shift Commander.

(2) Vacancies shall be covered by an employee who meets the minimum credentials to serve in the vacant position.

(3) Callbacks shall be offered to employees in the same job classification prior to using other ranks.

(4) Once a callback is accepted by an employee they shall have the obligation to fill that vacancy. Failure to do so may result in disciplinary action including forfeiture of leave for the amount of hours assigned.

#### **§ 37.574 MANDATORY HOLDOVER.**

(A) In an extenuating circumstance where callback is unavailable to fill an employee vacancy and the vacancy is critical to the operation of DFEMS, a mandatory holdover may be made in order to assure the operational capacity of DFEMS.

(1) A pre-established list for each shift shall be established and maintained by the Shift Commander with a rank order of those eligible for mandatory holdover.

#### **§ 37.575 MODIFIED DUTY ASSIGNMENT**

(A) DFEMS shall provide modified duty assignments in accordance with Americans with Disabilities Act As Amended (ADAAA) in concert with Risk Management and HR.

(B) Employees assigned to modified duty may be prohibited from engaging in any outside employment or volunteer operational first-responder duties.

#### **§ 37.576 DEATH BENEFITS.**

Upon the death of an employee who has completed a minimum of a year of full-time county service, the county shall pay the employee's estate or designated beneficiary a death benefit of one month's salary. This payment will equal one-twelfth of the annual pay.

### ***ATTENDANCE AND LEAVE***

#### **§ 37.591 APPROVAL REQUIRED; INCREMENTS.**

Leave requires supervisory approval and may be authorized with or without pay in accordance with the provisions of this chapter and the work requirements of the county. Leave may be taken in four-hour increments for DFEMS uniformed personnel. HR shall establish the procedure for crediting leave to an employee's account. For 207(k) and non-207(k) employees, one day of leave accrual equals 8.5 hours.

**§ 37.592 HOLIDAY LEAVE/COMPENSATION.**

(A) Uniformed personnel shall be compensated for all County holidays as they occur throughout the calendar year. Holidays will be paid in the pay period in which they occur at base pay.

(B) Uniformed personnel with daywork schedule shall receive paid holiday leave for all County Commissioner determined holidays.

(C) For purposes of computation of compensation, a holiday is defined as an 8.5 hour day for 207(k) and non-207(k) employees and one fifth of the work week for uniformed personnel with daywork schedule.

**§ 37.593 ANNUAL LEAVE.**

(A) Accrual rate. DFEMS employees, including those on initial probation, shall accrue annual leave at the rate of one-fifth of the employee's weekly base hours for uniformed personnel with day work schedule and as an 8.5 hour day for 207(k) and non-207(k) employees based on length of service as follows:

Years of Service	Days of Annual Leave Accrued Per Year
Under 1	8
1 through 5	14
6 through 15	18
16 through 20	21
Over 20	24

(B) Accumulation. An employee may carry a maximum accumulation of 60 days forward from one fiscal year to the next. For purposes of this section, the fiscal year ends on the last day of the last full pay period in June each year.

(C) Termination of county employment. Upon termination of county employment, a regular employee shall be paid for no more than 60 days of annual leave accumulated during preceding years, plus any annual leave accrued in the current fiscal year. The rate of payment shall be based on the employee's regular pay rate at the time of termination. In case of termination due to the employee's death, payment shall be made to the employee's estate or designated beneficiary.

An employee who leaves county employment while on initial or extended initial probation is not compensated for annual leave.

(E) Use of leave by DFEMS employees shall be guided by the applicable DFEMS SOP.

**§ 37.594 SICK & SAFE LEAVE.**

(A) Accrual rate. Employees accrue sick & safe leave at the same rate as they accrue annual leave.

(B) Accumulation. An employee may carry an unlimited number of sick & safe leave days forward from one fiscal year to the next.

(C) Termination of county employment. Upon termination of county employment, an employee will not be compensated for accumulated sick & safe leave, unless the County Commissioners authorize otherwise in any sick & safe leave policy in effect at that time.

(D) Family Medical Leave Act. In accordance with applicable federal and state laws, HR will review and approve leave under the Family and Medical Leave Act (FMLA) for eligible employees.

**§ 37.595 PERSONAL LEAVE.**

(A) Number of days. Employees shall receive six days of paid personal leave each fiscal year at the rate of one fifth of the employee's weekly base hours for uniformed personnel with daywork schedule and as an 8.5 hour day for 207(k) and non-207(k) employees.

(B) Use and accumulation. Personal leave must be used by the last day of the last pay period in June of the fiscal year and shall not be carried forward to the next fiscal year. An employee's supervisor may authorize the use of personal leave.

(C) Termination of county employment. Upon termination of county employment, no employee will be compensated for unused personal leave.

**§ 37.596 COMPENSATORY LEAVE.**

(A) DFEMS non-exempt employees may choose compensatory leave in lieu of paid overtime for each occurrence prior to the performance of any overtime hours. Employees must make their choice in writing on forms provided by HR.

(B) Compensatory leave shall be earned at the rate of one and one-half hours of compensatory leave for each hour worked over 40 hours for non-207(k) and uniformed personnel with daywork schedule and after 212 hours for 207(k) employees.

(C) Non-exempt employees may accumulate a maximum of 120 hours of compensatory leave. All hours earned over 120 shall be paid as overtime.

(D) Compensatory leave must be approved in advance by an employee's immediate supervisor before it is accrued or used. Approval to use accrued compensatory leave shall be in accordance with the provisions of the FLSA as amended.

(E) Upon termination of county employment, an employee shall be paid for all accumulated compensatory leave at the final regular rate of pay.

### **§ 37.597 ADMINISTRATIVE LEAVE.**

The purpose of administrative leave is to make an employee whole for the workday. Leave shall be granted based on the individual employee's scheduled workday hours. Employees, including employees on initial probation, shall, with supervisory approval, be granted paid administrative leave in accordance with the following:

(A) Jury duty. An employee called for jury duty shall receive jury leave for the period of jury service. If the employee's services are not required as a jury member on any part of a workday, the employee shall report to his or her supervisor for duty. The employee shall remit to the county the per-day fee received for jury service to receive administrative leave. Employee is not required to remit parking fees or meal allowance which may be provided by the Court.

(B) Subpoenaed witness. An employee subpoenaed to appear in a court action, before a grand jury, administrative agency, or for a deposition shall receive witness leave for the period covered by the subpoena. Employee is required to submit appropriate documentation to receive administrative leave award. This does not apply to an employee who is a party to the action or who is appearing as a paid witness.

(C) Military. An employee who is a member of the Army, Navy, Air Force, Marine, or Coast Guard Reserve shall be granted military leave for military training or operations not to exceed 15 workdays per county fiscal year and in accordance with Federal and State laws.

(D) Bereavement.

(1) Uniformed personnel assigned to daywork schedule shall receive bereavement leave upon the death of an immediate family member, not to exceed three regularly scheduled workdays or five, if travel requires an overnight stay. This shall apply to employees assigned to day work.

(2) For 207(k) and non-207(k) employees the leave shall begin upon verification of the death of an immediate family member and shall not exceed one shift. An exception can be made in extenuating circumstances to assure that the employee can attend funeral/memorial services.



(3) For purposes of this section, IMMEDIATE FAMILY MEMBERS are defined as employee's spouse, parents (including long-term foster parents), step parents, siblings, step siblings, children, step children, grandparents, step grandparents, grandchildren, step grandchildren, father-in-law, step father-in-law, mother-in-law, step mother-in-law, brother-in-law, step brother-in-law, sister-in-law, step sister-in-law, son-in-law, step son-in-law, daughter-in-law, and step daughter-in-law. IMMEDIATE FAMILY MEMBER also includes other family members residing with the employee at the time of their death.

(4) An employee's supervisor may approve up to one workday of bereavement leave to attend the funeral of family members, other than immediate family, not to exceed two workdays per fiscal year.

(5) An employee shall, upon request, submit appropriate documentation to their supervisor including but not limited to a death certificate, a funeral slip, or an obituary notice.

#### **§ 37.598 LEAVE OF ABSENCE WITHOUT PAY.**

(A) Duration. The duration of leave without pay shall be at the discretion of the Director/Chief or other designated management personnel, based on the reason for the request and the effect on county operations. The leave may not exceed 30 days in a rolling 12-month calendar period. All available leave must be exhausted prior to requesting leave without pay.

(B) Leave accrual. When leave of absence without pay occurs for the duration of an entire pay period, no leave of any kind shall accrue during the pay period.

(C) Approval. There is no entitlement to leave of absence without pay except where required by Federal or State law. The leave must be requested and approved prior to the beginning of the leave. The Director/Chief and HR must approve all requests for leave without pay. If the Director/Chief and HR do not approve the leave as requested, the employee may make a written appeal to the County Commissioner's within one business day of the leave denial. The County Commissioner's decision is final. The County may impose conditions and restrictions on approval of leave without pay.

(D) Return to active employment. An employee who has been granted leave without pay must return to work by the date the leave expires. Failure of an employee to return to duty upon the expiration of his/her leave without pay shall be interpreted as a resignation.

### ***PROBATION***

#### **§ 37.613 INITIAL PROBATION.**

(A) Duration. Every employee shall be on probation for a minimum of twelve months following the employee's initial employment date. The Director/Chief may extend initial probation for up to six additional months based on employee performance and concurrence with HR.

(B) Leave. An employee on initial probation may accrue and use leave consistent to this chapter.

(C) Rejection on initial probation. The Director/Chief may reject an employee on initial probation at any time. An employee rejected on initial probation shall have no recourse through the grievance procedure. An employee rejected on initial probation shall receive two weeks severance pay.

(D) Performance review. At least two weeks before the end of an employee's initial probationary period, the employee's supervisor shall complete a performance review and forward it to the Director/Chief who shall review and forward to HR. The supervisor shall not complete a performance review if the employee is to be rejected on probation, instead they shall file documentation with validation for separation from employment.

#### **§ 37.614 PERFORMANCE PROBATION.**

An employee may be placed on performance probation following an annual or interim performance review in accordance with § 37.630(C). A performance improvement plan shall be initiated by the supervisor in consultation with the Director/Chief and HR. Performance probation may occur when an employee does not maintain a satisfactory level of performance. If, during the course of a performance probation, the employee does not maintain a satisfactory level of performance, the employee may be discharged. In no event shall performance probation exceed six months. At the end of the performance probation, the supervisor shall complete a second performance review.

### ***PERFORMANCE REVIEW PROGRAMS***

#### **§ 37.629 PURPOSE.**

The purposes of the employee performance review programs are to identify and evaluate employee strengths and weaknesses and to implement measures to improve performance where appropriate.

#### **§ 37.630 PERFORMANCE REVIEW PROGRAM.**

(A) In general. The employee's supervisor normally completes the performance review with input and review from other appropriate supervisors, managers and the Director/Chief. All performance reviews shall be discussed with the respective employee.

(B) Performance review criteria. The employee's job description and/or corresponding standards serve as the basis for performance review.

(C) Review schedule.

(1) Initial probationary period. At least two weeks prior to completion of the initial probationary period, the supervisor shall complete a performance review in accordance with §§ 37.613 and 37.614, unless the employee is to be rejected on initial probation.

(2) Annual performance review. The supervisor shall conduct a performance review at least once per year but may conduct reviews more frequently. If an employee does not maintain a satisfactory level of performance, the manager in consultation with HR shall place the employee on performance probation.

(D) Interim performance review. When an employee's performance declines to an unacceptable level, a supervisor shall conduct a review of an employee's performance. If an employee's performance is less than satisfactory the manager may place the employee on performance probation in consultation with HR.

(E) Performance probation review. The supervisor shall complete a follow-up review no later than three months after an employee is placed on performance probation. A follow-up review where the employee does not maintain a satisfactory level of performance may be cause for discharge.

(F) Grievances of performance reviews. An employee's performance review is not subject to the grievance procedure except where the employee receives no pay increase or is placed on performance probation.

### ***OUTSIDE EMPLOYMENT***

#### **§ 37.645 CONFLICTS WITH COUNTY EMPLOYMENT PROHIBITED.**

An employee may not engage in outside employment that could create a conflict with the employee's county employment.

#### **§ 37.646 NOTIFICATION OF OUTSIDE EMPLOYMENT; DETERMINATION OF CONFLICT.**

An employee who engages in outside employment must notify the supervisor in writing. The supervisor, Director/Chief and HR shall review the outside employment request to determine if a potential conflict exists and if the mission of the agency could be adversely affected by the

employment. If either the supervisor or Director/Chief or HR finds a potential conflict or adverse effect, the employee shall not engage in the outside employment. All outside employment requests shall be reviewed by HR and the Ethics Administrator for potential conflict. The Ethics Administrator determination is final. The Ethics Administrator shall notify the employee, supervisor, Director/Chief, and Director of HR of its decision in each case.

(A) Any outside employment related to Fire EMS activities shall be evaluated for FLSA application and liability.

## **TERMINATION OF EMPLOYMENT**

### **§ 37.661 METHODS.**

(A) Resignation.

(1) To resign in good standing, an employee must file written notice of the resignation and its effective date with the employee's supervisor at least 14 calendar days before the resignation. Unless the employee's supervisor waives notice, failure to give notice shall be documented in the employee's personnel record and may be cause for denying future county employment.

(2) Upon written notice of resignation and its effective date, the Director/Chief may approve, but is not required to approve, the use of leave, in accordance with the provisions in §§ 37.591 through 37.598, Attendance and Leave, not to exceed ten workdays, prior to the employee's effective date of resignation.

(B) Abandonment. Termination of employment for abandonment shall occur automatically, effective following one continuous 24 hour shift from the first day of the unauthorized absence (except under validated extenuating circumstances). If a day work employee, this shall apply following three consecutive 8 hour days. The employee may not grieve the determination of abandonment, except to prove that leave was authorized. The employee shall have the burden of so proving. An employee abandoning his or her position shall not be eligible for reemployment with the county.

(C) Loss of Credentials. Should an employee lose any required certifications/licenses (except under validated extenuating circumstances), they shall be recommended for immediate termination.

(D) Discharge.

(1) A supervisor recommending discharge must meet with the employee to notify the employee of the recommendation and the reasons for discharge. If the recommendation remains unchanged, the supervisor shall refer the matter to the Director/Chief and HR in writing and on forms HR provides.

(2) HR shall meet with the employee to review the Director/Chief recommendation and to listen to the employee's views, including any reasons why the employee considers discharge improper. HR shall establish the procedure for the meeting.

(3) If HR rejects the discharge recommendation, HR shall determine alternate discipline in consultation with the Director/Chief and the employee shall return to work. If HR upholds the recommendation, Supervisor shall discharge the employee.

(4) An employee discharged shall be eligible for future employment with the county.

(D) Layoff. The County Commissioners reserve the right to lay employees off temporarily or permanently as per Policy 02-09-HR Reductions in force (or its successor).

#### **§ 37.662 EFFECT OF TERMINATION.**

All rights, benefits, and privileges cease upon termination of County employment, unless Federal, State or local law provides otherwise. An employee returning to County service following termination receives no seniority privileges or credit for previous service unless otherwise granted by law. The preceding sentence does not apply to an employee returning after a layoff of less than 12 months.

#### **§ 37.663 EXIT INTERVIEWS.**

HR shall offer a confidential exit interview with any departing employee. HR shall disclose interview to DFEMS and/or County Administrator.

### ***DISCIPLINE***

#### **§ 37.677 PURPOSE; TYPES OF DISCIPLINE.**

The purpose of discipline is to assure adherence to policies the County determines necessary to maintain efficiency. Supervisors may impose appropriate sanctions necessary, according to the circumstances of each case. Disciplinary sanctions include but are not limited to, suspension with or without pay, withholding of pay increases, transfer within the department, demotion, discharge, or any other sanction deemed appropriate at the discretion of DFEMS management and HR. Disciplinary sanctions do not include oral or written reprimands.

#### **§ 37.678 PROGRESSIVE DISCIPLINE.**

(A) In most cases, but not all, supervisors shall impose a progression of disciplinary actions before recommending discharge.

(B) The County reserves the right to judge each case individually, based on such factors as the seriousness of infraction, the employee's performance record and length of county service, and any other relevant consideration.

(C) Progressive Discipline for the DFEMS shall be administered as defined under the applicable SOP which shall serve as the policy for its administration.

### **§ 37.679 GRIEVANCES OF DISCIPLINARY ACTIONS.**

An employee may grieve disciplinary actions in accordance with §§ 37.695 through 37.699.

## ***GRIEVANCES***

### **§ 37.695 EXCLUSIVE REMEDY.**

This chapter contains the exclusive procedure for presenting and resolving grievances. An employee may pursue a grievance only as specified here.

### **§ 37.696 FILING OF GRIEVANCE FORM REQUIRED.**

With the exception of Step One grievances, all grievances shall be made in writing on forms approved by HR and signed by the aggrieved employee. The aggrieved employee must specify the nature of the dispute, the provisions of this chapter at issue and the remedy requested.

### **§ 37.697 TIME LIMITS.**

Any time limit in this chapter may be extended by agreement of both sides in advance of its expiration. The County Commissioners may extend the time limits for Step Four grievances. If an employee fails to comply with any time limit in this chapter, the grievance will be dismissed. If the county fails to comply with any time limit in this chapter, the grievance will automatically proceed to the next step.

### **§ 37.698 SPECIAL CIRCUMSTANCES.**

For suspension of more than five days, an involuntary demotion, or a discharge, an employee grievance shall be heard by a Grievance Review Board. All other grievances are subject to § 37.699.

### **§ 37.699 PROCEDURE.**

(A) Step One Grievance.

(1) Presentation. An employee must present a grievance in person to his or her immediate supervisor within five business days after the event giving rise to the grievance or within five business days after the employee reasonably should have known of the event.

(2) Resolution. The supervisor shall meet with the employee and attempt to resolve the grievance and must respond in writing to the employee within five business days after hearing the grievance.

(B) Step Two Grievance.

(1) Presentation. If the grievance is not satisfactorily resolved at Step One, the employee may file a written grievance with The Director/Chief within five business days after receiving the written response of their supervisor.

(2) Resolution. The Director/Chief shall meet with the employee and attempt to resolve the grievance, and shall have five business days in which to respond in writing to the employee.

(C) Step Three Grievance.

(1) Presentation. An employee whose grievance is not satisfactorily resolved after Step Two may file a written grievance with HR within five business days after the Director/Chief delivers the written response.

(2) Resolution. The Director of HR or its designee shall meet with the employee and attempt to resolve the grievance within five business days after receipt. HR shall respond in writing to the employee within five business days after the meeting.

(3) The decision of HR is final and binding.

(D) Grievance Review Board.

(1) Presentation. An employee suspended for more than five days, involuntarily demoted, or discharged shall serve a written grievance on HR within five business days after the suspension, involuntary demotion or discharge.

(2) Compliance with procedural requirements. Upon receiving the grievance, HR shall determine whether the grievance has been timely and properly processed. If it has not, HR shall deny the grievance and notify the employee of the reasons in writing. If the grievance has been timely and properly processed, HR shall schedule a hearing before the Grievance Review Board.

(3) Time of hearing. The Grievance Review Board shall schedule a hearing at a mutually agreed upon time by both parties.

(4) Composition of Grievance Review Board. The Grievance Review Board shall be chaired by the County Administrator for the County Commissioners, a Director/Administrator from a department or office other than that in which the employee works selected by HR, and an employee chosen by the employee from a list maintained by HR.

(5) Hearing and decision.

(a) The Grievance Review Board shall determine the procedure for the hearing, giving both sides the opportunity to present witnesses and evidence. The employee may be represented by anyone the employee chooses.

(b) The Grievance Review Board shall make a sound recording of the hearing.

(c) The Grievance Review Board shall hand deliver its written decision within 30 days after the hearing. The decision shall be final and binding on all parties, except as provided in division (E)(1) below.

(E) Appeal.

(1) Appeal to County Commissioners. Either the employee or management may appeal the Grievance Review Board's decision to the County Commissioners. The party appealing must serve a written notice of appeal on the County Administrator for the County Commissioners within ten business days after the Grievance Review Board hand delivers its decision.

(2) Presentation. The County Administrator shall submit to the County Commissioners the record of the hearing before the Grievance Review Board. The record shall include a sound recording of the Grievance Review Board's hearing, a copy of the decision and all documents accepted into evidence.

(3) Hearing. The County Commissioners may decide the appeal based on the record without further hearing or, at their sole option, may hold an additional hearing to determine such facts as they deem necessary.

(4) Disposition. The County Commissioners shall render a final, binding decision on the appeal within 30 days after receiving the record of the hearing before the Grievance Review Board or within 30 days after holding a hearing. The decision of the County Commissioners is final and binding and not subject to judicial review.

### ***EQUAL OPPORTUNITY COMPLIANCE***

#### **§ 37.714 DISCRIMINATION AND SEXUAL HARASSMENT PROHIBITED.**



The county does not discriminate or tolerate discrimination against any employee/volunteer member on the basis of age, religion, gender, gender identity, race, color, national origin, genetic information, sexual orientation, pregnancy or maternity, veteran status, marital status, physical or mental disability or any other status protected by federal or state law. Likewise, the county does not tolerate sexual harassment or retaliation against any employee/volunteer member or by any employee. An employee subjected to any form of discrimination, including sexual harassment or retaliation, is entitled to a prompt, fair resolution.

**§ 37.715 DEVELOPMENT OF POLICIES AND PROGRAM IMPLEMENTATION.**

HR shall develop policies governing equal opportunity compliance. DFEMS in coordination with HR shall implement policies that will contain procedures to resolve complaints and expedite resolutions.