

**RESOLUTION 2018-01**  
**COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**  
**AMENDMENTS TO KENT COUNTY EMPLOYEE HANDBOOK**

**WHEREAS**, The County Commissioners of Kent County, Maryland, have previously adopted The Kent County Employee Handbook on October 17, 2017; and

**WHEREAS**, the County Commissioners of Kent County, Maryland, have determined that the *Overtime* policy found on page 25, the *Workers' Compensation Benefits* policy found on page 34, and the *Inclement Weather* policy found on page 36 need to be amended; and

**WHEREAS**, the Human Resources Department of Kent County has developed and proposed on this date amended policies and the County Commissioners of Kent County have reviewed the amended policies.

**NOW THEREFORE**, Be It Resolved by the County Commissioners of Kent County, Maryland, that the *Overtime* policy found on page 25, the *Workers' Compensation Benefits* policy found on page 34, and the *Inclement Weather* policy found on page 36, which were approved effective November 1, 2017, be replaced with the proposed policies, and pages 25-26 and 33 through 38 of the manual be replaced with the amended pages.

**BE IT FURTHER** resolved that the amended policies be effective February 7, 2018.

**ADOPTED** this 6th day of February 2018.

ATTEST:

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

  
Sondra M. Blackiston, Clerk

  
William W. Pickrum, President

  
Ronald H. Fithian, Member

  
William A. Short, Member

B. Administrative non-exempt employees will be paid for their scheduled hours if their recorded hours for the pay week are within 15 minutes of their scheduled hours.

C. Exempt employees will be paid for their scheduled hours if their recorded hours for the pay period are within 15 minutes of their scheduled hours.

### **Overtime**

**(amended 2/7/18, Resolution #2018-01)**

As a condition of employment, you are expected to work overtime and on any shift when assigned by your immediate supervisor. In the event you feel that you have a justifiable reason and are unable to work overtime, you should notify your immediate supervisor as soon as possible so that the supervisor can take appropriate action.

Our policy is that work shall be completed, whenever possible, within the regular work shift. All overtime work must be approved in advance by the Supervisor or Department Head. When overtime work must be scheduled, equal opportunity for participation will be given among the employees who are capable of performing the work to be done. Overtime hours shall be compensated as follows:

Nonexempt full-time employees and part-time employees (other than sworn deputies or correctional officers) working hours in excess of forty (40) hours per pay week shall be compensated at the rate of one and one half (1-1/2) times the employee's hourly rate. Sworn deputies and correctional officers will be paid one and one-half (1-1/2) times their regular rate of pay when their hours worked in a pay period exceed 85.5 hours.

Overtime is defined as all hours worked over forty in a workweek (85.5 in a pay period for sworn deputies and correctional officers). Hours worked do not include any paid or unpaid leave hours (including but not limited to paid holiday leave hours, sick leave, annual leave, compensatory leave, bereavement leave and leave without pay). The Fair Labor Standards Act permits exemption of certain professional, administrative, and executive positions, as defined in the statutes, from compliance with the act.

Compensatory leave (comp time) is time off in lieu of a cash payment. Depending upon one's classification and with departmental approval, an employee may be granted compensatory leave for overtime work instead of overtime pay. Nonexempt full-time employees and part-time employees (other than sworn deputies, correctional officers, or employees hired for a seasonal activity) are eligible for compensatory leave at time and one-half for all hours over forty (40) worked or their regularly scheduled hours, whichever is greater, in a pay week. Sworn deputies and correctional officers are eligible for compensatory leave at time and one-half for all hours worked over 85.5 in a pay period. Such employees may accrue up to a maximum of eighty (80) hours.

Employees not covered by the Fair Labor Standards Act or who are exempt from its overtime provisions may accrue compensatory leave on an hour off for an hour worked basis, for time worked on holidays, office closures, and weekends only. Weekends begin at the end of the workday or 5:00 p.m. (whichever is later) on Friday and end at 6:00 a.m. on Monday. In the event of any emergency or other special

circumstances, as approved by the County Administrator, exempt employees may be eligible to accrue compensatory leave Monday through Friday hour for hour. The maximum accrual is eighty (80) hours.

Seasonal employees other than after school staff are not eligible for overtime pay or comp leave time. They will be paid at their regular base rate for all hours worked.

### **Pay Days**

All employees are paid bi-weekly on Thursday. If a holiday falls on a payday, payday will be on Wednesday.

### **Direct Deposit**

We encourage direct deposit of your paycheck to your bank account(s). For example, you may elect to have some money put into a checking as well as a savings account. There is no maximum on the number of accounts you may use.

You must submit the appropriate form and documentation to the Human Resources Department to initiate a direct deposit. It may take one or two pay periods before the direct deposit will be active. In the meantime, you will receive a live check.

Notify the Human Resources Department before you close any accounts to which your money is being direct deposited. Once the money has been wired to your account, you will have to wait until it is returned to the County by your financial institution before we will reimburse you.

### **Deductions from your Paycheck**

We are required by law to deduct Federal and State Withholding Tax (where applicable) from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. At the end of the calendar year you will receive a W-2 form showing your total earnings and the amount of taxes withheld.

Deductions for Social Security and Medicare at the rate established by law are also deducted from your paycheck. The County matches your contribution to Social Security and Medicare. Social Security provides a variety of benefits, including retirement income, death benefits, disability benefits and monthly income for certain dependent survivors of covered employees. For additional information regarding Social Security eligibility and benefits, go to [www.socialsecurity.gov](http://www.socialsecurity.gov).

A court-ordered legal claim against the wages of an employee such as for non-payment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the County. When a garnishment is received, deductions will be taken from your paycheck until either the garnishment is satisfied, or the County receives notice to term the garnishment.

Child support is the court ordered payment by one parent to the other parent for the care and welfare of the child. We comply with the law regarding New Hire/Child Support Law. If you are subject to a child support order, monies will be withheld from your paycheck in accordance with Maryland regulations.

When circumstances allow it, HR will conduct an exit interview with the terminating employee. The purpose of the interview is to be certain the reasons for the employee's termination are not founded on a misunderstanding or erroneous situation. The interview will also cover what compensation the employee will receive and when termination of benefits will occur. Employees are required to turn in all property assigned to them at the time of termination of employment.

Any indebtedness you owe to the County will be deducted from your final check and/or payout of benefits.

### **Final Paycheck**

When an employee terminates employment (whether voluntarily or involuntarily), we will continue to issue all paychecks due to you in the normal payroll cycle, with the normal deductions. When the last check is issued, we will also issue a "payout check" of accrued leave earnings owed to you (such as annual leave, comp leave, and earned holiday leave) minus any reimbursements owed to the County. Payouts of accrued leave will be at your final regular rate of pay. There is no payout of accrued sick leave or personal leave.

## **SECTION 3: BENEFITS**

Some benefits are required by law and cover all employees. Legally required benefits include Social Security, Workers' Compensation, and Unemployment Insurance. Eligible employees working for Kent County Government receive many additional benefits. There are several factors that determine if you are eligible for a benefit, including your employment classification. You received information about your benefits during your new hire orientation and at the annual open enrollment meetings. Contact HR if you have any questions regarding your benefits.

### **Workers' Compensation Benefits**

**(amended 2/7/18, Resolution #2018-01)**

You are provided Workers' Compensation coverage from the day you begin work until your employment is terminated. You are covered by Workers' Compensation if you are incapacitated by injury or illness arising out of your employment.

This policy is not intended to supersede or replace the terms or requirements of any state or federal law. If the terms of this policy conflict with the terms of any other governing law, then the terms of that law will control over this document, unless otherwise required by law.

You must report all accidents to your supervisor immediately, regardless of how minor, and complete the appropriate forms. You are not authorized to go to a physician without first advising your supervisor or department head. Seek prompt medical attention if your injury or illness requires more than basic first aid treatment. You may select the medical provider you want to go see, however that provider must be willing to provide medical treatment and accept the rules of the Medical Fee Guide established by the Maryland Workers' Compensation Commission. Otherwise, you may be balance-billed for services. The emergency room at the hospital should be used for life threatening injuries only or unless advised by a doctor to go there.

If a work-related injury requires medical attention by a physician or any other medical facility that provides a bill, a claim must be submitted the same day by the supervisor or a designee and a copy forwarded to the Risk Manager.

While you are unable to work due to a workers' compensation injury, you may use a limited amount of accrued leave. A calculation will be made to determine how many hours you have in your leave banks and the date when the leave banks would be exhausted if it was not a workers' compensation injury. You may use accrued leave to ensure you will receive the net difference between the compensation you receive from our insurer and your regularly scheduled base pay until that date. You will not receive any holiday pay or leave accruals during this time. If your payment from the insurer is not received within seven calendar days of the end of the covered period, the county will advance payment to you to ensure no gap in income.

If you are unable to work due to a compensable injury or illness, you are expected to avoid activities that may delay your recovery and a timely return to work, including other employment.

You will not be permitted to return to work until the County receives a health care provider's note stating that you are capable of returning to full duty and performing all of your job duties. The County reserves the right to allow you to return to duty in a reduced capacity (*i.e.*, light duty) and will evaluate each case individually to make a determination, subject to the health care provider's report, your department's needs, and the availability of appropriate work.

If applicable, use of FMLA will be concurrent with any workers' compensation absences. Subject to the terms, conditions, and limitations of the applicable plans, we will continue to provide health insurance benefits for the period you are using accrued leave while you are unable to work, or up to a maximum of FMLA leave, whichever occurs later. You will be responsible for prompt payments of any premiums owed to the County for your health insurance and voluntary benefits. If premiums go unpaid for more than 30 days after payment is due, coverage may be terminated upon 15 days' notice to the employee.

Workers' compensation only covers work related injuries and illnesses. Neither Kent County nor its insurance carrier will pay workers' compensation benefits for injuries that occur if you voluntarily participate in an off duty recreational, social, or athletic activity that the County might sponsor.

Failure to report an injury or filing a false workers' compensation claim may result in disciplinary actions, up to and including termination.

#### **Jury Duty, Court Appearances, & Witness Duty**

Jury Duty is an important constitutional right, as well as a duty of citizenship. If you receive a jury duty summons, notify your immediate supervisor as soon as possible so that arrangements can be made to accommodate your possible absence from work. It is against the law to discriminate or discharge an employee because of a summons or service on a jury.

You are not obligated to use paid leave for jury duty. We will grant paid jury duty leave to any employee, regardless of your residency, who is scheduled to work their regular shift; extra shifts will not be compensated. The County will pay you the difference between your daily pay rate and the amount paid by the court. This can be accomplished by either forwarding the documentation of jury service and the amount of the payment you receive to the Human Resources Department to receive your full pay for the day or forwarding only the documentation of jury service and your pay for the day will be reduced by your jury duty pay. If you are called to jury duty on a scheduled day off or you choose to use leave for the day, you will not be required to surrender the jury duty pay you received from the court.

If you are scheduled for jury duty and are working an overnight shift prior to it, you will be released at midnight, so you can rest before you are required to report. If you are released from jury duty with at least ½ of your regular work hours remaining, you must return to work for the remainder of your work day or you will be required to use accrued leave.

While we hope this never happens, if you are the victim of a crime or a witness to a crime, or a member of your family is a crime victim, you may request time off to go to court to attend court dates related to the crime. For purposes of this leave, a crime includes domestic violence, sexual assault, and stalking, as

well as other crimes that require the victims to appear in court. A family member includes your child, parent, or spouse.

If you need to take leave for a court appearance, notify your supervisor as soon as possible and provide the written documentation of your need to be in court to HR. You may ask for leave if you need to prepare for or be in court, receive medical treatment or get medical treatment for a victim who is your child, parent, or spouse, or get services needed because of a crisis caused by domestic violence, sexual assault, stalking, or some other crime.

If you receive a subpoena to testify in court, we will give you time off to be a witness. If you have to go to court or be a witness for someone other than Kent County Government, you must use any applicable paid leave benefits you have, such as annual leave, prior to using unpaid leave. If you are summoned to be a witness for us or if we ask you to testify, we will give you the time off with pay.

If you need time off to be a witness, show the subpoena to your immediate supervisor as soon as you receive it. We expect you to report for work whenever you are not needed in court.

#### **Inclement Weather**

**(amended 2/7/18, Resolution #2018-01)**

There may be times when emergencies, such as severe weather or a power failure, disrupt the normal business operations of Kent County Government. The use of liberal leave and office closures will be addressed on a case by case basis.

Through our enhanced phone system, you may dial 410-810-2231 to hear a recorded message for employees. In the event of any question regarding whether there is a closure or delayed opening, this phone message will be the final authority. However, be aware that in the unlikely event that there is a power outage at 400 High Street, this phone message will be inaccessible.

While other radio and TV stations may also broadcast the announcements, Kent County will make all official public announcements regarding the delayed opening or closure of County offices through the 911 Center and to WMAR TV Channel 2, WBAL TV Channel 11, WJZ TV Channel 13, and WCTR Radio AM1530 (when possible).

All essential employees must report for work at their designated times, regardless of weather or emergency conditions.

If a decision is made to open late or close early the County offices or the Community Center, non-essential employees will use administrative leave for their scheduled work hours and should not be working before opening or after closing. Essential employees who were working will be granted comp time for the time between normal opening or closing (8:30; 4:30) and the time opened or closed if you were working during that time. If you were not working during this time, you will not be granted any comp time. All employees who were scheduled off using leave must use their leave for the full time off; no credit will be given for the late opening or early closing.

Nonessential employees may use liberal leave anytime there is a delayed opening. However, you must notify your supervisor of your intent to do so; it is not a given that you just do not show up when you are expected. You may use annual, comp, or personal leave hours that have already been earned. If you choose not to work on a delayed opening day, you will use leave for the full day. If you come in later than the opening time, you must use leave for the time missed unless your supervisor allows you to flex it.

When the County government offices are officially closed for a full day (8 hours) due to emergency conditions, all essential full-time employees who earn leave benefits, whether you were working or not, will be granted 8 hours of comp leave; part time employees who earn leave benefits will receive a prorated number of hours.

Non-exempt employees whose comp leave balance does not allow the accrual will be paid for the closure. Exempt Employees whose comp leave balance does not allow the accrual will forfeit the hours.

### **Holiday Leave**

We provide paid holiday leave for the following holidays to all eligible employees:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- President's Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- General Election Day (biennially on Tuesday following the first Monday in November)
- Veteran's Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas Day (December 25)

Other days may be declared holidays by the Board of County Commissioners at its discretion.

When a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the preceding Friday will be observed.

Full time employees are eligible for holiday time off with pay at a rate of eight hours per holiday. Part time employees who earn leave benefits are eligible for holiday time off with pay at the percentage of budgeted hours compared to full time hours, not to exceed 8 hours. Holiday pay will be calculated at your straight-time hourly rate as of the holiday, multiplied by the number of holiday hours.



You will be paid for holidays on the day the holiday occurs unless you are a public safety employee. Public safety employees will be paid for holiday hours in equal increments throughout the year.

If you work on New Year's Day (1/1), Thanksgiving Day (fourth Thursday in November), or Christmas Day (12/25), you will receive one and a half times your regular rate multiplied by the number of hours you worked on that day.

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## Annual Leave

The County provides annual leave to eligible full time and permanent part time employees based on length of continuous service, increasing throughout years of service by a pre-determined accrual formula.

Full time employees accrue annual leave at the following rates:

- There is no accrual of annual leave during the first six months of your employment.
- After 6 months of eligible employment you are granted a bucket of 40 hours of annual leave. You then begin to accrue leave at the rate of 3.0769 hours per pay period, for a maximum of 80 hours per year.
- After 5 years of eligible service you accrue leave at the rate of 4.6154 hours per pay period, for a maximum of 120 hours per year.
- After 10 years of eligible service you accrue leave at the rate of 6.1538 hours per pay period, for a maximum of 160 hours per year.
- After 20 years of eligible service you accrue leave at the rate of 7.6923 hours per pay period, for a maximum of 200 hours per year.

Permanent part time employees accrue leave at the following rates:

- There is no accrual of annual leave during the first six months of your employment.
- After 6 months of eligible employment you are granted a bucket of annual leave hours equivalent to the average number of hours worked in one pay week. You then begin to accrue leave at the rate of .0385 times the average number of hours worked per pay period, for a maximum of 2 weeks per year.
- After 5 years of eligible service you accrue leave at the rate of .0577 times the average number of hours worked per pay period, for a maximum of 3 weeks per year.
- After 10 years of eligible service you accrue leave at the rate of .0769 times the average number of hours worked per pay period, for a maximum of 4 weeks per year.
- After 20 years of eligible service you accrue leave at the rate of .0962 times the average number of hours worked per pay period, for a maximum of 5 weeks per year.

The average number of hours worked per pay period is based on the annual budgeted number of hours for the position.

Employees who have been employed more than six months and transfer from a part time position in which they did not work enough hours to earn leave benefits to a position with leave benefits will begin accruing annual leave and have access to the benefit.

If you were previously employed by the County and left our employment, the length of your eligible service is calculated on the basis of your most recent hire date. Military leave does not affect the leave accrual calculation.