

**BOARD OF COMMISSIONERS  
FOR THE  
TOWN OF UPPER MARLBORO**

ORDINANCE: 2020-03  
SESSION: Regular Town Meeting  
INTRODUCED: March 10, 2020  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE TO ESTABLISH A PERSONNEL SYSTEM WITH CERTAIN GUIDELINES,  
PAYGRADES, STANDARDS AND PROCEDURES FOR THE EMPLOYEES OF THE TOWN  
OF UPPER MARLBORO.**

**WHEREAS**, Section 82–59 of the Town Charter (Authority to Employ Personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government; and

**WHEREAS**, Section 82–60 of the Town Charter (Compensation of Employees) states that the compensation of all officers and employees of the Town shall be set from time to time by an ordinance; and

**WHEREAS**, Section 82-15(b) of the Town Charter states the President, with the approval of the Board, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance, and all office, department, and agency heads shall serve at the pleasure of the President, and all subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the president, in accordance with rules and regulations in any merit system which may be adopted by the Board; and

**WHEREAS**, the Board finds that a merit system is a personnel system created “...to secure the appointment of persons, after examination, suitable and qualified for the positions or offices to which they are applicants, and, second, when after appointment, their efficiency and worth are shown to exist, to place their removal beyond the control of the appointing power, who might, for political, ..., or other insufficient reasons, be disposed to remove them, and to appoint unsuitable and inefficient persons as their successors to the injury and detriment of the public...” *Lilly v. Jones*, 158 Md. 260, 148 A. 434 (1930).

**Section 1. Declaration of Policy**

- A. This personnel or merit system is established for all present and future employees of the Town, and shall provide the means to recruit, select, develop, advance, and maintain an effective and responsive work force on the basis of relative ability, knowledge requirements of the citizens of the Town.
- B. All personnel actions shall be taken without regard to race, sex, religion, national origin, or political affiliation and shall be based on merit and performance.

## **Section 2. Scope and Intent**

- A. The classifications, definitions, policies and procedures outlined in this ordinance apply to all regular Town staff positions. Regular Town staff positions include all Town positions, including offices, except the following: elected officials, independent contractors, persons employed on projects of limited duration, unpaid volunteers (including interns and Town committee members), or other persons appointed to serve without pay.
- B. All employees who have served less than six (6) months, and all new employees of the Town except police, will serve a probationary period of six (6) months. Police employees will serve a probationary period of one year. The probationary period may be extended for cause by the Town.
- C. This Ordinance shall be read in conjunction with any employee handbook as duly approved by the Board, and this Ordinance shall control or supersede any conflicting provision in said handbook.
- D. Unless a valid employment contract approved unanimously by the full Board states otherwise, nothing in this Ordinance shall be deemed to modify or alter the Town's at-will employment relationship with any employee.

## **Section 3. Regular Town Staff Positions**

The annual operating budget shall fund the offices and positions listed below. No other regular Town staff positions or offices may be included or authorized in the annual operating budget unless approved within the budget ordinance or an amendment thereto or by an amendment to this Ordinance. In addition to the Town Charter and any previously enacted ordinances in effect, the supervisory positions and named departments or heads thereof enumerated below are considered to be created and duly authorized by law or otherwise ratified by this Ordinance as existing in conformance with Subsection 82-15(b) of the Town Charter. The paygrades referenced in this Section are further described in Section 7, below.

- A. Positions within the Town General Government Department:
  - Chief of Staff (Supervisory) (Paygrade 6-7)
  - Director of Finance & Human Resources (Paygrade 5-6)
  - Town Clerk (Supervisory) (Paygrade 4-6)
  - Deputy Town Clerk (Paygrade 1-3)
- B. Positions within the Town's Public Safety Department:
  - Chief of Police (Supervisory) (Paygrade 6-8)
  - Sergeant (Paygrade 4-6)
  - Corporal (Paygrade 3-5)
  - Three (3) Patrol Officers (Paygrade 2-4)
  - Code Enforcement Officer (Paygrade 1-3)
  - Police Clerk (Paygrade 1-3)
- C. Positions within the Town's Public Works Department:
  - Superintendent of Public Works (Supervisory) (Paygrade 3-5)
  - Three (3) Crewmembers (Paygrade 1-3)

## Section 4. Hiring of Town Employees

- A. **Positions Requiring Board Approval:** Hiring for any regular Town staff position that entails the head of any office, department, or agency of the Town government as established by the Charter or by ordinance requires approval by majority vote of the Board of Commissioners, as required by the Charter. The President shall give the Board notice of the hiring of any non-regular position as listed in Section 2.A at least one week prior to the start date of the non-regular employee.
- B. **The process for hiring regular Town staff positions that does not include the head of any office, department, or agency of the Town government is as follows:**
- (1) Any opening for a regular Town Staff position should be advertised for at least thirty (30) days on a publicly accessible job-posting website, the Town website, and all Town social media sites. The position advertisement must include, at a minimum, the education and experience requirements for the position, the major responsibilities for the position as outlined in the Position Description, the salary range for the position, required documents to be submitted for an application, and the closing date for applications. All applications must be reviewed and ranked by at least the cognizant department head and one Commissioner (or at least a Commissioner and the President in the case of a department-head position). Rankings shall be made without regard to race, sex, religion, national origin, or political affiliation
  - (2) If no applications meet the minimum education and experience requirements for the position, the position must be re-advertised for at least fourteen (14) days. If three or more applicants meet the education and experience requirements for the position, then at least the top three qualified applicants must be interviewed within thirty (30) days of the closing of the position advertisement. If less than three (3) applicants meet the education and experience requirements, then all qualified applicants should be interviewed. Interviews must be conducted by at least one Commissioner the cognizant department head.
  - (3) After conducting interviews, the interviewers must select an interviewee within 30 days of the last interview. Once the individual selected has been notified of selection and accepted the position, the Director of Finance & Human Resources will verify any educational requirements by promptly obtaining an official transcript directly from the educational institution. The Director of Finance & Human Resources must also ensure that all selected candidates undergo criminal background checks and drug screening procedures prior to starting employment.

## Section 5. Political Activities

- A. No regular Town staff employee shall hold an elected office or more than more than one (1) appointed office; however, nothing herein shall prevent an officer from holding an *ex officio* office or position.
- B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any Town employee.

- C. Nothing herein contained shall affect the right of any employee to hold membership in the support of political party, to vote as he/she chooses, to express himself publicly or privately on all political subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

**Section 6. Unlawful Acts**

- A. No person shall make any false statements with regard to any test, certification, or appointment made under any provisions of this Ordinance, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Ordinance and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment under this Ordinance, or furnish to any person any special privileged information for the purpose of affecting the rights or prospects of any person with respect to employment with the Town.

**Section 7. Compensation.**

- A. The Board of Commissioners shall set the compensation of all regular Town staff positions via the annual budget ordinance in enacted in conjunction with the annual operating budget, in accordance with the pay chart below. The pay chart should be published in conjunction with the annual budget. The chart includes eight (8) paygrades, with ten (10) steps in each grade. The base pay for each paygrade must be least 10% higher than next lowest paygrade. Part-time employees will be paid by the hour, at an hourly rate (1/5000) of the annual rate, as a full-time employee with the same position. Part-time employees will have the same minimum and maximum salaries (and same eligibility for step increases) as their full-time counterparts for computing their hourly rate.
- B. Employees increase by one step after completing a period of satisfactory service (in a particular grade and step) with the Town as follows: Increasing one step after one year of satisfactory service for steps 2 through 4, increasing one step after two years of satisfactory service for steps 5 through 7, and increasing one step after 3 years of satisfactory service from steps 8 through 10. Thus, an employee would take 18 total years to move from step 1 to step 10 within a paygrade. Employees may increase in grade (for positions that have multiple paygrades) after 2 years of satisfactory service. They will be placed in the higher pay grade at one step lower than their step in their current paygrade (For example, an employee in paygrade 5 step 3 would be placed in paygrade 6 step 2).

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step10
1	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
2	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
3	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
4	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

5	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
6	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
7	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
8	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

C. Town employees shall receive compensation as outlined above in this Section, and any other financial compensation including a pay increase, bonus, or incentive pay must be approved by a majority of the Board of Commissioners as appropriated in the annual budget ordinance and approved by the detailed budget document.

**Section 8. Penalties**

Violation of any provision of this Ordinance may result in disciplinary action on the part of the Board of Commissioners up to and including dismissal.

**Section 9. Town Employee Handbook**

The Board of Commissioners shall set further personnel policies and procedures through approval of the Town Employee Handbook. The handbook shall be reviewed annually and updated at least every three (3) years by Resolution.

**Section 10. Position Descriptions and Organization Chart**

The Board of Commissioners shall set, by Ordinance or written resolution, position descriptions for all regular town staff that include major duties, minimum education and experience requirements, minimum and maximum pay in accordance with Section 7, as well as, the organizational chain(s) of reporting and responsibilities, including supervisory and/or oversight responsibilities, for each position by separate Ordinance or written resolution adopted from time to time.

**Section 11. Severability**

Should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**INTRODUCED** in a public session of the Board of Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Wanda Leonard, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J. Best, Esq.

Date: \_\_\_\_\_