

Ordinance No. _____ **ORDINANCE:** To amend Chapter 15 of the Rockville City Code so as to amend the provisions regarding nonmerit positions; to amend the provisions regarding the Personnel Appeals Board; and to rename the Director of Personnel to the Director of Human Resources

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, a body corporate and municipal corporation of the State of Maryland, that Chapter 15 of the Rockville City Code entitled “Personnel” be amended as follows:

Chapter 15
PERSONNEL

ARTICLE I. IN GENERAL

Sec. 15-1. Application and effect.

There is hereby established a City Civil Service, consisting of both a merit and nonmerit system, for the City. All offices, employments and positions now existing and hereafter created within the City service (except those filled by election of the people, the positions of City Manager, City Clerk/Director of Council Operations, City Attorney, and such other appointments as may be required by statute) are hereby placed under Civil Service and shall be subject to such rules and procedures as may be included within, or established pursuant to, this chapter or as provided by resolution of the Council. Where such rules and procedures conflict with the provisions of a written agreement between the City and any employee or employee organization, the provisions of the written agreement shall apply and take precedence over City rules and procedures, but only to the extent of any conflict.

Sec. 15-2. Council's responsibilities.

The Council shall:

- (1) ~~Approve Personnel Policies and Procedures for the regulation of personnel matters in conformity with and in furtherance of this chapter.~~
- (2)(a) Adopt a classification plan and set compensation rates as part of the annual budget for all Civil Service positions, both merit and nonmerit.
- (3)(b) Approve, when necessary, procedures and rules governing relationships between the City and any employee organization which may be created for the purpose of representing a group of City employees on matters relating to conditions of employment including: recognition of such employee organization, bargaining and negotiation with an employee organization, and adoption of a written agreement with an employee organization. Any agreement entered into with a recognized employee organization may include provisions concerning the administration of personnel matters which alter procedures set forth in this chapter but which do not alter the intent

or application thereof. Any written agreement with an employee organization shall be approved by the Council before it becomes effective.

~~(4)(c)~~ Provide by resolution those positions in the Civil Service which shall be placed in the nonmerit Civil Service.

~~(5)(d)~~ Approve the contracts of employment for the City Manager, City Attorney, and City Clerk/Director of Council Operations, ~~nonmerit Civil Service employees~~, which contracts and not this chapter, shall govern the terms and conditions of employment, unless otherwise provided.

Sec. 15-3. City Manager.

(a) Except as provided in subsection (c) below, the responsibility for implementing the provisions of this chapter and for general supervision of the Civil Service is vested in the City Manager. Authority to administer and direct the provisions of this chapter may be delegated to the Director of Human Resources Personnel by the City Manager.

(b) These responsibilities include:

(1) Approve the letter agreements of employment and maintain the existing contracts for certain nonmerit civil service employees whose agreements, not this chapter, shall govern the terms and conditions of employment unless otherwise provided.

(2) Recommendations to the Council for the establishment and the classification or reclassification of all positions in the Civil Service;

~~(2)(3)~~ Recommendations for, and after adoption by the Council, the administration of rates of compensation covering all classes of positions in the Civil Service. Such recommendations shall be included each year as a part of the budget recommendations of the City Manager;

~~(3)(4)~~ Establishing standards of qualifications for all employment positions established by the Council;

~~(4)(5)~~ Recruiting, examining, investigating and determining qualifications of applicants for all positions in the Civil Service;

~~(5)(6)~~ The appointment, transfer, promotion, demotion, suspension, dismissal or any other change in status of an employee;

~~(6)(7)~~ Maintenance of such personnel records as may be required;

~~(7)(8)~~ Recommending measures calculated to increase efficiency and to promote the interest and welfare of employees;

~~(8)(9)~~ Approve and implement, policies, procedures and rules governing relationships between the City and individual employees, employee groups, and/or employee organizations which may be created for the purpose of representing a group of City employees on matters relating to conditions of employment for the regulation of personnel matters in conformity with and in furtherance of this chapter (Personnel Policies and Procedures);

~~(9)~~ Establishing and proposing for approval by the Mayor and Council Personnel Policies and Procedures implementing this chapter and the policies of the Mayor and Council

~~and otherwise governing personnel matters and employment with the City. A summary of any proposed Personnel Policies and Procedures, and any amendments thereto, shall be transmitted to the Mayor and Council. If within fifty five (45) days of said transmittal no action is taken by the Mayor and Council to formally consider the proposal, said proposed Personnel Policies and Procedures, or any amendments thereto, shall be deemed to have been approved by the Mayor and Council and shall become effective upon the expiration of said fifty five (45) days or upon such other date set by the City Manager, whichever date comes later. Any provision of this chapter that requires approval by the Mayor and Council may be approved as part of the approval of the Personal Policies and Procedures.~~

- (10) Establishing or authorizing supervisors to establish, work rules for their subordinates. Work rules so established shall not require the approval of the Mayor and Council.
- ~~(11) Devising necessary administrative policies and procedures to execute and implement the approved Personnel Policies and Procedures and any work rules. Such administrative policies and procedures shall not require the approval of the Mayor and Council.~~
- ~~(12)~~(11) Administering such rules and procedures as may be set forth relating to the Civil Service.

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Sec. 15-4. Records, forms and reports.

The Director of Human Resources Personnel shall maintain appropriate files each Civil Service employee containing records, memoranda or other data which will aid in developing a record of the employee's service within the City.

Sec. 15-5. Classification of positions.

The Director of Human Resources Personnel shall recommend to the City Manager classification of all the positions in the Civil Service, both merit and nonmerit, assigning to each the appropriate title and prerequisites for appointment. The classification plan shall be so developed as to designate appropriate salary grades and/or rates of compensation for all recommended classes and positions. A classification plan shall be reviewed and adopted with or without modification by the Council as part of the annual budget. Between budgets, the City Manager may make provisional classifications of positions and appointments thereto provided that such positions are classified consistently with the system adopted by the Council and that funds are budgeted for personnel services for the programs in which the positions exist.

Sec. 15-6. Part-time merit system employees.

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Sec. 15-7. Health care and life insurance.

The Director of Human Resources Personnel may arrange for, and administer health care and life insurance programs and plans for coverage of all merit system City employees.

Sec. 15-8. Hours of work.

The number of hours in a normal work week shall be established either by resolution of the Council or by the approved Personnel Policies and Procedures, provided that all authorized work in excess of the prescribed working hours per week, as listed in the adopted compensation plan, shall be compensated for at the rate prescribed in section 15-24.

Secs. 15-9, 15-10. Reserved.

ARTICLE II. APPOINTMENTS

Sec. 15-11. Nondiscrimination policy.

All appointments to the City Civil Service shall be made on the basis of merit without discrimination because of any factor as defined in Chapter 11, Article 1, Section 11-1, of the Rockville City Code. It shall be the policy of the City to ensure equal opportunities for its employees without any discrimination.

Sec. 15-12. Vacancies.

- (a) In the event that a vacancy occurs in any position established under the Civil Service system, the Director of Human Resources Personnel shall seek the best qualified job applicant available by advertisement or by such other means as may be deemed appropriate.
- (b) All vacancies will be announced within the organization.
- (c) All applicants for employment shall be required to complete an application on forms provided by the City, complete information as to education, special training, experience and skills, as well as a chronological statement of previous employment together with references and such other information as may be deemed necessary by the Director of Human Resources Personnel.
- (d) The Director of Human Resources Personnel shall make, or cause to be made, such investigation as is necessary to verify the facts, contained in the application and shall manage the conduct of such oral interviews as may be deemed necessary. The Director of Human Resources Personnel may conduct such tests and examinations as may be deemed necessary.

Sec. 15-13. Probational appointments.

- (a) Except as provided under section 15-34, all appointments to merit system positions shall be subject to a one (1) year probationary period; provided however, that a probationary period of shorter duration may be permitted for employees in classes of positions covered by a written agreement between the City and any employee organization. Terms of probation may be extended to offset absences without pay or periods of required training on a day for day basis.
- (b) During the probationary period, the appointee's performance shall be closely reviewed to determine the appointee's ability to carry out assigned tasks, efficiency, and other characteristics relative to the requirements of the position. Such a review shall be conducted by the appointee's immediate supervisor and reviewed by the appropriate department director, and by the Director of Human Resources Personnel.

- (c) If the Director of Human Resources Personnel determines that continued employment is not in the best interest of the City, the Director of Human Resources Personnel may recommend to the City Manager release of the probationary appointee from the job with appropriate notice. Only the City Manager may approve the release of an appointee. A probationary appointee may be released for any non-discriminatory reason and the probationary employee is not entitled to the protections of the merit system. If the appointee so released was promoted or transferred to the position from within the Civil Service and the appointee's work was satisfactory prior to the transfer or promotion, the appointee shall be returned to the previous position or to another suitable position in the same class as previously held, if such a position is available.

Sec. 15-14. Regular appointments.

Upon satisfactory completion of the prescribed probationary period, each employee in a merit system position shall be granted a regular appointment in the Civil Service merit system. In each case, the Director of Human Resources Personnel shall include in the appointee's personnel file a statement evaluating the employee's performance during the probationary period. In the event the Director of Human Resources Personnel is unable to make a determination as to whether an employee subject to a probationary period shall be granted a regular appointment at the end of the probationary period, the Director of Human Resources Personnel may extend the employee's probation for up to an additional six (6) month period, at which time the decision must be made whether or not to grant the probationary employee a regular appointment.

Sec. 15-15. Temporary appointments.

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Secs. 15-16—15-20. Reserved.

ARTICLE III. COMPENSATION PLAN

DIVISION 1. GENERALLY

Sec. 15-21. Generally.

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Sec. 15-22. Initial pay rate.

The minimum rate established for a class shall be paid upon appointment unless the City Manager shall determine upon advice of the Director of Human Resources Personnel that due to extraordinary difficulty in recruitment or extraordinary qualifications of an individual applicant, appointment at another step is necessary.

Sec. 15-23. Reimbursement for travel, etc.

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Sec. 15-24. Overtime pay and compensatory time.

- (a) Employees may be compensated for overtime as defined by the Federal Fair Labor Standards Act (FLSA), City of Rockville Personnel Policies and Procedures, and/or any contractual agreement. Overtime hours worked must be required by an actual emergency or such other unusual circumstances requiring the assignment of employees to overtime hours of work and must be certified by the department director and approved by the City Manager or a designee.
- (b) Compensatory leave time may be granted, in lieu of overtime pay, to any employee in accordance with such rules as the City Manager may establish as long as it does not conflict with State or Federal law. Exempt employees (as defined by the FLSA) shall be eligible only for compensatory leave time.
- (c) The City Manager shall make such rules and regulations as are necessary to carry out the provisions of this section relating to additional compensation for work in excess of regular hours worked.
- ~~(d) Nothing in this section requires the payment of overtime compensation to an employee who, because of a secondary part time job with the City, works in excess of forty (40) hours per week, provided those hours in excess of the forty (40) hours for the City are performed in a different capacity from the employee's regular job, and nothing in the United States Fair Labor Standards Act requires the payment of overtime.~~

Secs. 15-25—15-30. Reserved.

DIVISION 2. PAY ADJUSTMENTS

Sec. 15-31. Limitations and career incentive plans.

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Sec. 15-32. Anniversary dates for increment purposes.

For the purpose of granting increments, anniversary dates shall be as established by the City Manager ~~or by contractual agreement.~~

Sec. 15-33. In-grade salary increases.

An in-grade salary increase may be granted new merit system appointees after completion of the employee's probationary service if the Director of Human Resources ~~Personnel~~ determines that the quality of performance is satisfactory. In the event an in-grade salary increase is granted after the probationary service period, the employee will not be eligible for regular in-grade increment for one (1) full year from the date thereof.

Sec. 15-34. Promotions or position upgrade.

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Sec. 15-35. Demotion or reassignment to lower grade.

In the event an employee is demoted or reassigned to a lower grade, the Director of Human Resources Personnel shall have the authority to place the employee in any pay rate of the grade in which the new position is classified.

Secs. 15-36—15-40. Reserved.

ARTICLE IV. EMPLOYEE DISCIPLINE

DIVISION 1. GENERALLY

Sec. 15-41. Non-Civil Service employees.

Personnel subject to appointment by the Council and not covered under Civil Service as provided in section 15-1 shall serve at the pleasure of the Council.

Sec. 15-42. Political activities.

- (a) No employee shall directly or indirectly use or seek to use the employee's official position, authority or influence to control or modify the political action of any other person, nor shall any employee, during duty hours, engage in any form of political activity.
- ~~(b) With respect to City elections, employees shall not take part in any political movement, nor actively support any candidates or group of candidates in any manner other than by casting their own ballots.~~
- ~~(e)~~(b) No public officer or employee shall receive or be in any manner concerned with receiving any money or things of value from any other City employee for any political purpose.
- ~~(d)~~(c) Violation of any provision of this section is grounds for immediate dismissal.

Sec. 15-43. Outside employment.

Employees shall not take any employment other than their regular City position without the express permission of the City Manager, City Attorney, or City Clerk/Director of Council Operations. Violation of this section is grounds for immediate dismissal.

Secs. 15-44—15-50. Reserved.

DIVISION 2. CIVIL SERVICE EMPLOYEES

Sec. 15-51. Generally.

- (a) The City Manager, through the Director of Human Resources Personnel, may establish as part of the approved Personnel Policies and Procedures, or through appropriate work rules and other administrative policies and procedures, such rules and regulations governing the behavior and discipline of employees in accordance with existing laws, applicable labor union agreements, accepted labor relation standards and principles of progressive discipline as may be appropriate.
- (b) Disciplinary measures shall include, but not be limited to, oral warnings, written warnings, reprimands, demotion, transfer, disciplinary probation, suspension, and dismissal.

Sec. 15-52. Grievance procedure.

A grievance procedure shall be established as part of the approved Personnel Policies and Procedures. The grievance procedure shall provide for an appeal to the City Manager whose decision on the grievance shall be final, except that an appeal from the City Manager's decision to the Personnel Appeals Board shall be available in cases of disciplinary dismissals. At any time prior to the conclusion of the grievance process, the employee and the City may reach a binding settlement of the grievance.

Secs. 15-53—15-60. Reserved.

DIVISION 3. PERSONNEL APPEALS BOARD

Sec. 15-61. Composition.

- (a) The Council shall appoint a Personnel Appeals Board of three (3) persons for the purpose of hearing appeals by employees from disciplinary dismissals. Membership upon the Board shall be restricted to qualified voters of the City who are not City employees and who are not officials of the City. Appointments shall be for terms of three (3) years.
- (b) The Mayor shall designate a Chairman for the Board.

Sec. 15-62. Procedure for appeal to Personnel Appeals Board.

- (a) Any regular employee who has been subject to disciplinary dismissal and is not satisfied with the decision of the City Manager, may within seven (7) calendar days file a written notice of appeal to the Personnel Appeals Board. The notice of appeal shall be filed with the City Clerk/Director of Council Operations.
- (b) The notice of appeal shall contain particulars as to the nature of the grievance and the remedy requested, and may not raise any issue not previously raised before the City Manager during the grievance process.

Sec. 15-63. Hearing of appeal by Personnel Appeals Board.

- (a) Upon the timely filing of the notice of appeal, the Personnel Appeals Board shall schedule a hearing as soon as practicable, but no later than ~~sixty (60) thirty-five (35)~~ days from the filing of the notice of appeal, unless a later date is required due to the unavailability of any member of the Personnel Appeals Board.
- (b) The hearings shall be closed to the public unless the parties agree otherwise. The employee may be represented by counsel, and may present witnesses or other evidence in their own behalf. The employee, insofar as administratively possible, may request the presence of City employees as witnesses. The City shall require such witnesses, up to a maximum of three (3), to attend the hearing and such witnesses shall be considered to be in a duty status during the time they serve as witnesses. All testimony shall be upon oath or affirmation given by the person duly authorized to administer oaths within this State, and a verbatim transcript of the hearing shall be taken. The City Attorney shall act in behalf of the City. The right of cross-examination of all witnesses shall be available.
- (c) At any time prior to the decision of the Personnel Appeals Board, the employee and the City may reach a binding settlement of the grievance.

Sec. 15-64. Decision and opinion by Personnel Appeals Board.

Within thirty (30) ~~fifteen (15)~~ calendar days following the hearing, the Personnel Appeals Board shall render a written opinion in which findings of fact are made with respect to whether the employee violated any law, City policy, rule, regulation, or directive ~~the action taken~~. The Board shall have the power to approve, rescind, or modify the dismissal action, and shall file the decision with the City Clerk. ~~Within fifteen (15) calendar days of issuance of the Personnel Appeals Board’s decision, the City Manager, City Clerk/Director of Council Operations, or City Attorney, as applicable, shall issue a final decision regarding dismissal, taking into consideration the findings of the Board. The decision of the City Manager, City Clerk/Director of Council Operations, or City Attorney, as applicable, shall be final.~~

Secs. 15-65—15-70. Reserved.

ARTICLE V. LEAVE

Sec. 15-71. Records.

The Director of Human Resources Personnel shall cause to be maintained adequate current records for leave accounting. The records shall be a part of the personnel and/or fiscal records of the City.

Sec. 15-72. Types of leave.

Regular merit system employees may be eligible for various forms of leave as defined by personnel policies and procedures. Such leave may include, but not be limited to, leave of absence without pay, official leave, administrative leave, jury leave, family and medical leave, military leave, annual leave, sick leave, death leave, job injury leave, and holiday leave. Such leave may be paid or non-paid in accordance with the policy and procedures as established by the City Manager ~~as approved by the Council.~~

Secs. 15-73—15-80. Reserved.

NOTE: ~~Strikethrough~~ indicates material deleted.
Underlining indicates material added.
Asterisks * * * indicate material unchanged by this ordinance.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council of Rockville as its meeting of June 2, 2025.

Sara Taylor-Ferrell, City Clerk and
Director of Council Operations