

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

March 23, 2021 – 7:00 p.m.

AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video:

<https://us02web.zoom.us/j/85451683537> Video Meeting ID: 854 5168 3537, or,

Audio Dial-in only: 301 715 8592 *Participants must sign-in with the Clerk*

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

Roll Call

Pledge of Allegiance

Business

- 1) Draft Resolution 2021-08: Authorizing Bank Account (Board discussion)
- 2) Draft Resolution 2021-10: Adopting 2021 Employee Handbook (Board discussion)
- 3) FY22—FY24 Tax Rate Plan (Board discussion)
- 4) Town Clerk: New Hire/Onboarding Plan (Board discussion)
- 5) Draft Ordinance 2021-01: Updated Business License (Board discussion)
- 6) Draft Resolution 2021-09: Rectory Lane Parking Restrictions (Board discussion)
- 7) General Commissioner & Administrative Staff items

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President

The Town of Upper Marlboro

RESOLUTION: 2021-08
SESSION: Regular Town Meeting
DATE: April 13, 2021

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO AUTHORIZE THE ESTABLISHMENT OF A BANK ACCOUNT WITH SONABANK FOR CORONAVIRUS RECOVERY FUNDS

WHEREAS, the Charter of the Town of Upper Marlboro (the “Charter”), Section 82-37 requires the Town Treasurer to supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded, and to have custody of all public monies belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town; and

WHEREAS, the Charter, Sections 82-40, 82-42 and 82-45 state that the Budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year and that no public money may be expended without having been appropriated by the Board, and from the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein, and that all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered; and

WHEREAS, the Charter, Section 82-46 requires checks issued in payment of municipal obligations shall be issued and signed by the treasurer, and the Board may further designate by ordinance or written resolution those person(s) in addition to the treasurer who shall be authorized to sign checks and the Board shall establish by ordinance or resolution a dollar amount above which all checks made payable by the Town shall be issued and signed by two persons, the treasurer and the President, or in either or both of their unavailability or incapacities, two other persons who shall be designated by resolution or ordinance, which at least one of whom shall be a Commissioner; and

WHEREAS, on October 10, 1995 the Board of Commissioners (the “Board”) adopted Resolution 96-1 entitled “An Investment Policy for the Town of Upper Marlboro Consistent with Maryland State Law” (the “Town Investment Policy”); and

WHEREAS, among other requirements, the Town Investment Policy mandates that “[c]ollateralization will be required on all savings accounts and certificates of deposit that exceed the \$100,000 FDIC insured amount...[and] Collateralization is also required when the combined sums of an

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interest bearing account and certificates of deposit in any one institution exceed the insured amount,”; and

WHEREAS, the Charter, Section 82-16(2)(bb) empowers the Board to pass certain ordinances to accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, the Board finds that the Town is slated to be awarded approximately \$562,491 in Coronavirus relief funds from the Federal Government through the American Rescue Plan; and

WHEREAS, Section 3 of Ordinance 2020-05 states that all budget amendments transferring monies between general classification of expenditure or appropriations as reflected in this FY2021 Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance, and Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings; and

WHEREAS, the Board finds it to be in the best interest of the Town to make further banking arrangements with SONABANK to establish a new deposit and checking account for The American Rescue Plan coronavirus recovery funds for tracking purposes.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Town of Upper Marlboro that it does hereby approve and authorize the continued maintenance of current accounts and the opening of a new account with SONABANK in a reasonable amount to be determined by the President/Mayor in accordance with the Town’s Investment Policy to accommodate the safeguarding and administration of those funds determined by the President/Mayor to be eligible for transfer into said account as described herein above; and

BE IT FURTHER RESOLVED, that the President/Mayor, Treasurer, and Director of Finance & Human Resources are hereby authorized and directed to establish two additional bank accounts as described herein with SONABANK and execute and deliver signature authorization cards or any other required documents to said bank, and to perform, endorse or execute all drafts, checks, deposits, withdraws and process other documents and correspondence regarding any accounts of the Town of Upper Marlboro to be created or entrusted to said bank consistent with this Resolution; and

BE IT FURTHER RESOLVED that the President/Mayor, Treasurer and Director of Finance & Human Resources (Mr. William Morgan) are hereby further authorized and empowered to act for and on

The Town of Upper Marlboro

behalf of the Town to carry out and perform transactions under the terms and conditions of the depositor's agreement, as applicable, or policies of SONABANK, the Federal American Rescue Plan Act of 2021, and the policies of the Town; and

BE IT FURTHER RESOLVED, that SONABANK is directed to accept and pay without further inquiry any item bearing the appropriate number of signatures (i.e., two) as indicated on the signature card on file, drawn against any of the Town's corresponding account with the Bank, and that any one signatory is expressly authorized to endorse all checks, overdrafts, notes, and other items payable to or owned by the Town for deposit with or collection by SONABANK, to accept drafts and other items payable at the Sona; and

BE IT FURTHER RESOLVED, that the Clerk is directed to forward a certified copy of this Resolution to SONABANK and any other parties which may request it for purposes of effectuating the deposit of public funds authorized hereunder, together with a certificate attesting to the names and signatures of the present incumbents of the offices described herein above and that the Clerk is further directed to certify to SONABANK or other parties from time to time the signatures of any successors in office of any of the present incumbents; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2021.

Attest:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND
THE TOWN OF UPPER MARLBORO

Clerk

Linda Pennoyer, President

Sarah Franklin, Commissioner

Janice Duckett, Commissioner

The Town of Upper Marlboro

CERTIFICATION

I, the undersigned, hereby certify that I am the Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2021.

M. David Williams, Clerk

The Town of Upper Marlboro

RESOLUTION: 2021-10

SESSION: Regular Town Meeting

DATED: April 13th, 2021

A RESOLUTION FOR THE PURPOSE OF ADOPTING AN EMPLOYEE HANDBOOK AS A POLICY GUIDE FOR ALL OFFICERS AND EMPLOYEES OF THE TOWN OF UPPER MARLBORO (THE “TOWN”)

WHEREAS: pursuant to Section 82-59 of the Charter of the Town of Upper Marlboro, the Town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Town Charter or State law and to operate the Town government; and

WHEREAS: the Town Commissioners find that it is in the best interest of the Town to adopt and publish an Employee Handbook that has been prepared to provide the Town's officers and employees with a general understanding of Town personnel policies, work rules and benefits; and

WHEREAS: said Handbook should not be construed as an employment contract or agreement for employment and that said Handbook should not be considered to alter or otherwise modify the at-will employment relationship established by State law; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this _____ day of _____, 2021, *The Town of Upper Marlboro Employee Handbook 2021 Version* is hereby adopted by reference, as though set out herein word by word, as a general policy guide for all employees and officers of The Town of Upper Marlboro, and be it

FURTHER RESOLVED, that said Employee Handbook may be amended from time to time by the Board of Commissioners by a simple resolution or duly adopted motion read into the Journal and approved by the Town Commissioners provided that such amendments shall be set forth in writing and made part of an official master copy of said Employee Handbook maintained by the Town Clerk and kept on file in Town Hall as a public record available for inspection and reproduction pursuant to State law, and be it

FURTHER RESOLVED, that all officers and employees of the Town shall receive a copy of said Employee Handbook as certified by an appropriate entry made into each personnel record and shall receive copies of the original and any amendments thereto as they are adopted and published from time to time, however, failure to receive said copies or notice of said Handbook or any amendments thereto shall not relieve or otherwise absolve an employee of his nor her duties and responsibilities as stated in said Handbook, and be it

FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict with this Resolution shall be considered repealed insofar as they conflict hereto.

The Town of Upper Marlboro



Employee Handbook 2021 Edition

This handbook should not be construed as an employment contract or agreement for employment for any specified period. The Town reserves the right to make changes to these policies at any time. When changes are necessary we will provide you with amended pages for your handbook.

Amended
April 2021

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Employment Policies and Procedures

Introductory Statement

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. All employees are responsible for becoming familiar with our policies and procedures. All personnel of the Town shall become and remain familiar with all other relevant policies, directives, resolutions, ordinances and charter provisions that may govern their conduct and/or work performance. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member

of management for clarification. The handbook should not be construed as an employment contract or agreement for employment for any specified period. The Town reserves the right to make changes to these policies at any time. When changes are necessary, we will provide you with amended pages for your handbook. The Employee Conduct and Responsibilities provisions of this handbook apply to elected officials.

Citizens Relations

Every employee represents the Town to our citizens and the public. Nothing is more important than being courteous, friendly, prompt, and helpful to our citizens and the public. If a citizen or a member of the public wants to make a specific comment or a complaint, you should direct the person to your supervisor or the President for appropriate action. Your contacts with the public, your telephone manners, and any communications you send to the public reflect not only on you, but also on the professionalism of our Town government.

Employment-At-Will

This handbook is not a contract of employment. Unless a written employment contract states otherwise, any individual may voluntarily leave the employment of the Town at any time, with or without cause or notice or may be terminated at any time and for any reason if there is no violation of federal, state or local law. Any variation in this relationship will only be effective if made in writing and signed by the employee and the President with the approval of the Board of Town Commissioners. Police Officer's employment is further subject to the Law Enforcement Officers Bill of Rights (*Maryland Code Public Safety Article Title 3 Law Enforcement Subtitle 1.*) and certain provisions of this handbook may be preempted by this statute regarding law enforcement officers. Except for the Chief of Police, non-probationary police officers are not generally considered to be employed in an "at-will" status.

Employment Applications

We rely on the accuracy of the information you put on your employment application. We expect that you and your references will give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person has already been hired, it could result in termination of employment.

ADA Accommodation

Reasonable accommodation is available to an employee with a disability when the disability affects the performance of job functions. We make our employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments. We make all types of leaves of absence available to all full- time employees on an equal basis.

The Town is also committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. We will follow any state or local law that gives more protection to a person with a disability

than the ADA gives. The Town is committed to taking all other actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state, and local laws.

Equal Employment Opportunity

The Maryland Equal Employment Opportunity Policy prohibits employment discrimination based on race, sex, familial status, color, national origin, age, religion, marital status, sexual orientation, genetic testing, physical and/or mental incapacity. In Prince George's County it is illegal for an employer to discriminate based on race, creed, color, sex, age, national origin, occupation, marital status, political opinion, personal appearance, physical or mental handicap, or sexual orientation. The Town adheres to all federal, state and local laws regarding equal employment opportunity. We provide equal opportunities for all employees and applicants for employment without regard to sex, age, race, religion, national origin, citizenship status, physical or mental disability, or any service, past, present, or future, in the uniformed services of the United States.

It is the responsibility of everyone in management to ensure that equal consideration be given to all applicants and employees in personnel actions, which include recruiting and hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, layoff, recalls, and terminations.

Immigration Reform and Control Act

It is the Town's policy to fully comply with the regulations of the Immigration Reform and Control Act of 1986 (as amended) enforced by the Department of Homeland Security. We will hire only American citizens and aliens who are authorized to work in the United States.

The law requires our Town to do five things:

- (1.) All new employees must complete Section 1 of the 1-9 form within three business days of hire.
- (2.) Check documents establishing employees' identity and eligibility to work. (Note: We are not allowed to tell the employee which documents to present and cannot ask for more than is required.)
- (3.) The person examining the documents must complete Section 2 of the 1-9 Form and the Certification Section.
- (4.) Retain the form for at least three years. (If the Town employs the person for more than three years, the Town must retain the form until one year after the person leaves our employment.)
- (5.) Present the form for inspection to the Department of Homeland Security or Department of Labor officer upon request. (At least three days' notice will be given.) If an employee is hired for less than three days, the Town must complete Form 1-9 before the end of the employee's first working day. The 1-9 Form contains instructions for completion. The employee assigned to this task must follow those instructions completely. I-9 Forms are to be kept separate from all other personnel records.

Medical Examinations Drug Testing and Substance Abuse Policy

To protect the health of the employee and insure a safe working environment, the Town may require, on reasonable grounds, pursuant to the policy stated below, a medical examination and or drug test to insure the employee's continuing fitness for duty. In either case, the Town will choose the health care professional and pay for the examination. Any job offer is contingent upon successful completion of the medical exam and/or drug test and continued employment is, subject to federal and state law, requires you to be medically fit for duty. Please note that the Town will keep all medical information separate from your other personnel information to protect your privacy. Only authorized personnel who have a legitimate business need to know, may review the medical information.

The following serves as the Town's Substance Abuse Policy:

- A. Definitions. In this Town of Upper Marlboro ("Town") Substance Abuse Policy, the following words have the meanings indicated:
- (1.) "Substance" means alcohol or drugs.
 - (2.) "Alcohol" means ethyl alcohol or ethanol.
 - (3.) "Drug" means:
 - (a) A controlled dangerous substance;
 - (b) Any other substance which must be dispensed by a licensed health care professional;
or
 - (c) An over-the-counter drug.
 - (4.) "Abuse" means:
 - (a) The use of an illegal drug;
 - (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the Town employee or could impair the job performance of an applicant for Town employment;
 - (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a Town employee or could impair the job performance of an applicant for State employment; or
 - (d) The use of alcohol if it impairs job performance of the Town employee or could impair the job performance of an applicant for Town employment.
 - (5.) "Workplace" means any place where an employee is performing work for the Town.
 - (6.) "Employee" means:
 - (a) A contractual, key employee, or other employee or official of the Town;
 - (b) A volunteer who provides a service to or for the Town; or
 - (c) A member of a Board, Committee or Commission of the Town.
 - (7.) "Sensitive Employee" means an employee whose classification or position having safety-sensitive duties like operating machinery, has been designated sensitive in writing by the President of the Commission and the affected employee.
 - (8.) "Conviction" means:

- (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or
 - (b) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of nolo contendere.
- (9.) "Alcohol Driving Offense" means:
- (a) Driving or attempting to drive while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol; or
 - (b) Operating or attempting to operate a vessel while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol.
- (10.) "Controlled Dangerous Substance Offense" means:
- (a) A controlled dangerous substance violation, under the Criminal Law Article of the Annotated Code of Maryland;
 - (b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
 - (c) Driving or attempting to drive while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance; or
 - (d) Operating or attempting to operate a vessel while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance.

B. General Policy. The Board further establishes and adopts the following substance abuse policy for the Town Government:

- (1.) The Town is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress, and by Executive Order of the Governor.
- (2.) All employees in the workplace must be capable of performing their duties.
- (3.) Employees experiencing substance abuse problems are encouraged to seek assistance through:
 - (a) Their employer;
 - (b) Self-referral to the employer's Employee Assistance Program; or
 - (c) Self-referral to an alternative certified rehabilitation program.
- (4.) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
- (5.) Employees are prohibited from:
 - (a) Abusing alcohol or drugs;
 - (b) Committing a controlled dangerous substance offense; or
 - (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

- (1.) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action up to termination.

- (2.) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's supervisor within 5 work days.
- (3.) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
 - (a) Convicted of an at-the-workplace alcohol driving offense; or
 - (b) Found under the influence of alcohol while at-the-workplace.
- (4.) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:
 - (a) On the first conviction, be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
 - (b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;
 - (c) On the third conviction, be terminated.

D. Drug Abuse Policy.

- (1.) Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action up to termination.
- (2.) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
- (3.) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.
- (4.) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
- (5.) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, or similar benefit, as provided for by the Town's drug protocol.
- (6.) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
 - (a) Be suspended for 5 work days; and
 - (b) Be required to participate successfully in a drug treatment program designated by an employee assistance program or fringe benefit, if one exists for the Town.

E. General Sanctions. Any employee otherwise in violation of this Policy shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

- (1.) When a supervisor or the President learns or, based on observation or reliable information, suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the supervisor or the President shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
- (2.) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. All supervisors shall educate and inform their employees about:

- (1.) The dangers of drug and alcohol abuse in the workplace and the community at large;
- (2.) The Town's policy of maintaining a drug-free workplace;
- (3.) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
- (4.) The penalties that may be imposed upon employees for violations of this Policy.

H. Consent to drug or alcohol test

- (1.) Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and releasing the results of the test to the President.
- (2.) All new applicants shall, as a condition of employment with the Town, sign a consent to a drug or alcohol test.

I. Testing of employee

- (1.) All persons employed by the Town shall be subject to drug or alcohol testing if there is reasonable suspicion that the employee has been using drugs or alcohol on the job site or reports to work in an unfit condition which appears either drug or alcohol related. If reasonable suspicion exists, the supervisor or President may immediately order that the employee be tested for the presence of drugs or alcohol.
- (2.) "Reasonable suspicion" means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. The President or the supervisor shall document, in writing, the specific facts, symptoms or observations which favor the basis for the determination that reasonable suspicion exists to warrant the testing of an employee.
- (3.) An employee tested for reasonable suspicion shall be suspended with pay for 48 hours after the test to allow for the receipt of the test results.
- (4.) Any applicant for employment with the Town shall be subject to a drug or alcohol test at the discretion of the President without reasonable suspicion.
- (5.) Any employee tested for drugs shall receive a copy of the laboratory test results within 30 days after the test was performed. The results shall be delivered either

in person or by certified mail. A copy shall be placed in the employee's personnel record.

J. Employee treatment

Employees who voluntarily seek assistance for a drug or alcohol abuse problem will not be terminated if that assistance is sought prior to action being taken under this article. If, however, the employee continues to use illegal drugs or abuse alcohol in such a manner that it affects the employee's job performance, he/she shall be subject to the penalties imposed in § K of this resolution.

K. Enforcement

- (1.) Any employee who fails to consent to a test upon a finding of reasonable suspicion shall be terminated from employment with the Town and shall not be subject to rehiring by the Town.
- (2.) Any applicant who fails to sign the consent to drug or alcohol testing or who, at the request of the President or hiring supervisor, refuses to be tested shall not be considered for employment with the Town and shall not be eligible to apply for any other position with the Town for 18 months.
- (3.) Any employee who fails to report a charge or conviction under this resolution shall be subject to immediate termination from employment with the Town and shall not be subject to rehiring by the Town.

L. Implementation.

- (1.) The President may adopt such policies and regulations as are necessary or desirable for the implementation of this Policy.
- (2.) All supervisors are responsible for implementing and enforcing and monitoring compliance with the requirements of this Policy.
- (3.) All employees are required to acknowledge receipt of a copy of this Policy by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.

Background / Reference Checks

To ensure that individuals who join the Town meet the Town's qualifications and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all applicants.

In addition to checking references of applicants, the Town will respond in writing only to those reference check inquiries that are submitted in writing on former employees. Responses to such inquiries will be limited to information that can be substantiated by Town of Upper Marlboro's records. Unless compelled by law, no employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

Employment Categories

It is important that you understand the definitions of the employment categories at the Town and know your classification. Your employment category helps determine your employment status and your eligibility for benefits. If you have questions or are not sure what your employment classification is, talk to your Supervisor or the President. These employment categories do not guarantee employment with the Town for any specific period.

You became an employee at the Town voluntarily and your employment is at will. "At will" means that you may terminate your employment at any time, with or without cause or notice. Likewise, "at will" means that the Town may terminate your employment at any time, with or without cause or notice, if we do not violate federal or state laws.

Any exception to this policy must be in writing signed by you and the President with Board of Commissioner's approval. Depending on your job, under the federal Fair Labor Standards Act (FLSA), you are either NONEXEMPT or EXEMPT from federal and state wage and hour laws. EXEMPT status is typically applicable to administrative and executive positions, but one should check the FLSA or consult with legal counsel. If you are a NONEXEMPT employee, you are entitled to overtime pay under the specific provisions of federal and state laws. If you are an EXEMPT employee, you are excluded from specific provisions of federal and state wage and hour laws. Your EXEMPT or NONEXEMPT classification may be changed only with written notification by the President.

In addition to be a NONEXEMPT or EXEMPT employee, you may also belong to one of the following employment categories:

- (1.) You are a REGULAR FULL-TIME employee if you are not assigned to a temporary or introductory status AND you are regularly scheduled to work for the Town on a full-time schedule. In most cases, REGULAR FULL-TIME employees are eligible for all Town benefit programs, subject to the terms, conditions, and limitations of each benefit program.
- (2.) You are a PART-TIME employee if you are not in a temporary or introductory status AND you are regularly scheduled to work less than 40 hours per week. PART-TIME employees receive all legally mandated benefits, such as Social Security and workers' compensation insurance. PART-TIME employees are not eligible for the other Town benefit programs.
- (3.) TEMPORARY: Individuals hired to work on a temporary project or assignment. Such assignments may be of definite or indefinite duration. Most employers define a "temporary" employee as an individual who is not a regular employee and who will be scheduled to work for a limited period of definite or indefinite duration. Employment beyond the specified period should not in any way imply a change to the individual's employment status or benefit eligibility.

Job Descriptions

We strive to have accurate job descriptions for all jobs at the Town. A job description includes the following sections:

- (1.) Job information;
- (2.) Job summary (gives a general overview of the job's purpose);
- (3.) Essential duties and responsibilities;

- (4.) (if applicable) Supervisory responsibilities;
- (5.) Qualifications (includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required);
- (6.) Physical demands; and Work environment.

We use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, determine FLSA status, and establish a basis for making reasonable accommodations for individuals with disabilities.

The President, in collaboration with the Board of Commissioners and the applicable department head, will prepare a job description when a new job is created. The Town may periodically review existing job descriptions and update them to ensure that the description is in-line with the needs of the Town for that role. Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact your immediate supervisor.

Performance Appraisal Program

It is the Town's policy to review each employee's performance on an on-going basis to ensure that you are performing your job to the best of your abilities as well as to suggest areas for improvement and development. The initial performance review is conducted after the employee's introductory period which is 90 days by your immediate supervisor. Thereafter, formal performance reviews are conducted on an annual basis. In the event you are promoted or transferred to another position, you will receive a performance review after 6 months.

Your review will be based on such factors as quality of work, knowledge of your job, initiative, attendance, personal conduct record and your attitude toward your job and the other employees. The review presents an opportunity to discuss your performance as well as to determine the areas for improvement or development.

Each year you will work with your immediate supervisor to set formal professional goals for yourself. All pay increases will be contingent on the annual budget, and your performance and achievement of your goals (also known as "Pay for Performance"). Below are the key components of the Town's Pay for Performance policy:

- Goals must be developed in consultation with employee and manager/supervisor
- Goals must be SMART (Specific, Measurable, Attainable, Realistic & Time specific
- Each goal must be weighted.
- ~~Goals accomplished between 80-100% may be given a pay increase of 3-5%~~
- ~~Goals accomplished at 60-79% may be provided a pay increase of 2-3%~~
- ~~Goals accomplished below 60% may be receive pay increase of 0-2%~~

Commented [KS1]: Removed, conflicted with Personnel Ordinance

Introductory Period

The first 90 days of employment are the introductory period. During this time, you will be evaluated by your supervisor on your job performance, and general fitness for the job. After

completing the introductory period, your continued employment will be determined by your job performance and adherence to the Town's policies and code of conduct.

Resignation

Employees who choose to leave the Town's employment are asked to give at least two weeks' notice. Employees who do not give an appropriate notice will be considered as not leaving in good standing. All resigning employees will have an exit interview. 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 has coming and when termination of benefits will occur. Employees are expected to turn in all Town property at the time of resignation.

Termination and Policy regarding the Prevention of Constructive Discharge

Discharges are always unpleasant and costly, and the Town does not take the decision to discharge lightly. Notice may or may not be given depending on the circumstances surrounding the termination. All terminating employees will have an exit interview. 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 and to solicit information on what the employee understands of the Town and the Town's benefits. The interview will also cover what compensation the employee has coming and when termination of benefits will occur. Employees are expected to turn in all Town property at the time of termination.

The Town makes every effort to follow the law including the following laws applicable to employment:

- 1.) Title VII of the Civil Rights Act of 1964 (making it unlawful to discharge any individual because of that individual's race, color, religion, sex, or national origin),
- 2.) The Federal Age Discrimination in Employment Act (protecting individuals from discharge based on their age, if over 40),
- 3.) The Federal Fair Labor Standards Act and the Maryland Wage & Hour Law (making it unlawful to discharge employees for asserting their rights to legal compensation), and,
- 4.) Federal "Whistleblower" Statutes (making it illegal for an employer to discharge a whistleblower as defined in the relevant statute).

Although there are many ways to properly terminate an employee, Wrongful Termination (or Wrongful Discharge) is the act of terminating an employee in an approach that is against the law. Wrongful Termination also encompasses what is called constructive discharge, a situation in which the employee's work environment is deliberately made so difficult that he or she is forced to resign to protect his or her financial or physical and emotional well-being (e.g., employee is forced to work excessive hours in physically unsafe conditions, or substantial reduction in wages from what he or she previously earned).

The following serves as the Town's Policy and Procedures for Preventing Wrongful Termination Claims:

- A. General. In most places, compliance requires no legal knowledge, but can be achieved by simply treating all employees fairly, consistently and with respect. However, there are several steps or procedures that can help minimize the frequency and severity of Wrongful Termination claims.
- B. Advertising. When advertising a job position, all references to sex, age, race, color, religion, national origin, pregnancy or disability should be eliminated. A local government is prohibited from excluding applicants based on these factors.
- C. Applications. The job application is used to gather desired information on a prospective employee. Therefore, questions regarding the applicant's sex, age, race, color, religion, national origin, pregnancy or disability should not be asked unless it is relevant to the job in question. If the Town government needs this information for insurance or other purposes, it should be asked after the applicant is hired. A sample "at will" statement which may be used on the application follows:

I certify that the information contained in the application is correct to the best of my knowledge. In consideration of my employment, I agree to abide by the rules and regulations of the Town of Upper Marlboro and I understand that these rules, regulations, and any personnel manual (or similar policies), do not constitute a contract of employment. I understand that my employment and compensation can be terminated, with or without cause, and with or without notice, at any time, at either my option or the option of the Town of Upper Marlboro. I further understand that no supervisor or representative of the Town has authority to enter into any agreement for employment for any specified period or to make any agreement to the foregoing.

- D. Interviews and Background Checks. The Town should conduct detailed pre-employment interviews and background checks, performed in compliance with state and federal laws. The information obtained from this process (prior work experience, why the applicant left prior employment, career goals and required educational experience) will be valuable in assessing a future employee's track record of previous problems with management and history of job turnover during his or her care. Managers or supervisors should develop a uniform interview format and document the answers to ensure that all applicants for the same position are asked similar questions.
- E. Hiring. Managers should thoroughly evaluate and screen all applicants and select the one who is best qualified to perform the essential functions of the job. Managers or supervisors should retain all documents relating to the hiring decision including interview summary sheets, resumes, applications, advertisements, and job postings. These documents help to support the hiring decision if a rejected applicant makes a claim for discriminatory hiring actions. The Town should confirm the terms of the

employment offer to the prospective employee in writing. The offer letter should also restate the above “at will” statement.

- F. Performance Evaluations. Conducting performance evaluations that honestly note deficiencies but give the employee opportunity for remedial action is a valuable loss control technique. Performance evaluations should be conducted on a regular basis (if possible both midyear and at the end of the year or anniversary date) and followed by written procedures developed by management. Job descriptions should be prepared and approved to serve as base line information.
- G. Discipline. In addition to any such expectations stated herein, the President may develop and publish a code of conduct of expected and unacceptable behavior that employees are to follow. Progressive and documented discipline is typically desired but certain types of behavior call for immediate termination.
- H. Termination Process. Prior to terminating an employee, the following questions should be asked: 1.) Is the termination necessary, or is there some other disciplinary or corrective action that would be more appropriate? 2.) If the employee contests the termination in court, is there enough evidence or documentation to successfully defend the Town’s decision to terminate? Prior to the decision being made to terminate an employee, and before taking further action the President should consult with the Town Attorney for further legal guidance.
- I. Additional Sources. The suggestions outlined above should help minimize the number and impact of wrongful termination litigations against the Town government. Further information including interviewing scripts, sample employment applications, applicant information releases, sample job descriptions, discipline documentation and exit interview forms and various checklists are available in Appendix A (Wrongful Termination) of Module 4 (Personnel Issues) of the LGIT Risk Management Manual.

Re-Employment Policy

Employees who left the Town of Upper Marlboro in good standing will be considered for open positions along with other applicants.

Hiring of Relatives

The employment of relatives is permitted with the following restrictions:

- (1.) A relative is not permitted to supervise another relative.
- (2.) Confidential positions, such as Clerk, DIRECTOR OF FINANCE ~~Accountant~~, Deputy Clerk, Chief of Police, ~~Chief of Staff, Executive Officer~~, Town ~~Manager~~ or Administrator (if any), human resources, payroll or administrative positions are not open to relatives of any employee or elected official.
- (3.) Or, as otherwise forbidden by State Law.

Commented [KS2]: Positions updated to reflect current and future needs.

“Relative” is defined as: spouse, brother, sister, parent, child(ren), uncle, aunt, nephew, niece, step-parent, step-child(ren), mother-in-law, father-in-law, son/daughter-in-law, brother/sister-in-law, grandparent, and grandchild(ren).

Hours of Work and Pay

Hours of Work

The Town will maintain work hours for its employees in accordance with federal and state regulations and the maintenance of an efficient and effective schedule of work. The Fair Labor Standards Act requires employers to maintain an accurate record of hours worked and to pay one and one-half times the regular hourly rate of pay to every nonexempt employee who works overtime. Overtime will be defined as all hours worked over forty hours in a workweek. Salaried employees are FLSA-exempt and do not generally receive overtime compensation. The Fair Labor Standards Act permits exemption of certain professional, administrative, and executive positions, as defined in the statutes, from compliance with the act. The official workweek for all employees begins at 12:00 a.m. on Wednesday and ends at 12:00 midnight the following Tuesday.

General Government: Regular Town Hall business hours are Monday through Friday from 9:00 a.m. to 5:00 p.m. (except holidays.)

Public Works: 8:00 a.m. to 4:00 p.m. Monday—Friday (except holidays), these hours are subject to change based on the needs of the Town:

Police Department: works on a shift schedule, please see the Police Officer Operating Manual or applicable directives for further detail.

Commented [KS3]: Broke out hours by Department, and included DPW Summer/Winter hours.

Flex Hours

Employees have the ability (with the approval of their immediate supervisor) to flex their hours. For example, employees may come in up to two hours prior to their start time and leave two hours earlier than their typical end time. This means the employee would still work a full 8-hour day, but still be able to start or leave early. Flex times must be approved by managers at least 1 work day in advance.

Telework

~~Administrative Department personnel~~ CERTAIN GENERAL GOVERNMENT PERSONNEL, AND OTHER DEPARTMENT SUPERVISORS, have 3 basic options for telework arrangements, via an approved Telework Agreement: 1.) Ad hoc Telework; 2.) Regular Scheduled Telework (up to 3 days per week, not to exceed 2 consecutive days in a row); and, 3.) Medical Telework. The telework agreement is not a contract of employment and does not provide any contractual rights to continued employment. It does not alter or supersede the terms of the existing employment relationship. An employee’s salary, benefits and employer-sponsored insurance coverage do not change because of telecommuting or teleworking. The employee remains obligated to comply with all Town of Upper Marlboro rules, policies, practices, and instructions that would apply if the employee were working at

Commented [KS4]: Updated to include Gen Gov and other Town supervisors in other Departments.

the regular Town of Upper Marlboro worksite. Work products that the employee develops or produces while telecommuting remain solely the property of the Town of Upper Marlboro. Work hours, compensation and leave scheduling while teleworking must conform to applicable human resource policies, the Fair Labor Standards Act and/or applicable labor or wage and hour laws. The employee's supervisor must approve leave requests to work overtime, use compensatory time or use accrued leave in the same manner as when the employee works onsite at the Town Hall Offices. Telework arrangements and may be revoked at any time and for any reason. A telework agreement must be signed by the employee and immediate supervisor for the employee to telework.

Time Keeping

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town to keep an accurate record of time worked to calculate employee pay and benefits. Time worked is all the time spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their work.

We consider attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record. You are also responsible for signing your time records to certify their accuracy. Your Supervisor will then review them before submitting for payroll processing.

Pay Days

Employees are paid every two weeks on Friday. If a holiday falls on a regular scheduled payday, efforts will be made to have paychecks available on the preceding Thursday. Elected officials are paid quarterly. Direct deposit is available, and all employees are required to utilize this service.

Overtime, Compensation Time Holiday Pay

Overtime: It is the Town's policy that work shall be completed, whenever possible, within one shift only. Overtime will be paid to hourly payroll employees for those hours worked on the job over and above forty hours in a pay week at the rate of 1-1/2 times the regular base rate. For this policy, all forms of leave will not be treated as time worked, or any other absence from the job will not be counted as time worked.

Overtime work must always be approved by your immediate supervisor before it is performed. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Employees are responsible for accurately recording the hours they work. This information also helps the Town comply with the laws that require us to keep accurate records of "time worked" to correctly calculate employee pay and benefits.

"Time worked" is defined as all the time staff spend performing assigned duties.

Compensation Time: Compensation time can be acquired in lieu of overtime. Compensation time can be accrued for those hours worked above 40 hours. Before accruing compensation time, please seek approval from your immediate supervisor.

Do not work more than 40 hours without the explicit consent of your immediate supervisor. The supervisor based on a few factors (including budget constraints) reserves the right to deny overtime and/or comp time or recommend that you receive compensation time instead of overtime or vice-versa. The Town encourages employees to leverage the Town's Flex policy to avoid working more than 40 hours per week.

Holiday Pay: Full-time and part-time employees who are required to work on a holiday will be paid at the rate of 2 times their regular base pay even if they have not worked 40 hours for that pay week.

Lunch Period

Lunch periods are typically 1 hour per day. Employees needing extra time on their lunch period must also receive prior approval from their supervisor. Employees shall not perform Town business during their designated lunch period; however, nothing herein shall prohibit an employee from partaking of food or beverage (e.g., a snack) while accruing compensable time. Employees are free to leave the worksite to take their lunch or break (whether freely choosing to leave or remain at the worksite).

Payroll Deductions

The Town is required by law to deduct Federal and State Withholding Tax from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. At year end you will receive a W-2 form showing your total earnings and the amount of taxes withheld. Deductions for Social Security at the rate established by law are deducted from your paycheck. The Town matches your contributions to the Social Security tax. Other deductions may include premiums for insurance, garnishments, pension plan if enrolled, etc. If an employee believes that there has been an error in pay, he/she should contact his/her supervisor and the accountant.

Child Support

If you are subject to a child support order, monies will be withheld from your paycheck in accordance with our state's regulations. Child support is the court-ordered payment by the non-custodial parent to the custodial parent for the care and welfare of the child.

Garnishments

A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the Town. When a garnishment is received by the Town, we will advise the employee that a garnishment has been served on the Town. The employee will be counseled to seek assistance in working out his/her financial problems.

Final Paycheck

The Town follows the state regulations regarding deadlines for employees to receive their final paycheck which means that employee who quits or is discharged will ~~be paid by the next regular payday but in no event later than two weeks after termination~~ PAID OUT ACCOURTING TO STATE LAW WITHIN 48 HOURS DUE TO TERMINATION, UNLESS A SIGNED AGREEMENT STATES OTHERWISE.

Commented [KS5]: Edited to comply with State law. "Signed Agreement stating otherwise" refers to an agreement such as a Town device agreement that states the employee must return Town property (phone, laptop, police equipment, ect) prior to final paycheck being issued.

Direct Deposit

~~The Town requires direct deposit of your paycheck to your bank accounts(s).~~ DIRECT DEPOSIT IS HIGHLY ENCOURAGED BUT TO REQUIRED. You can choose to have your check deposited in more than one account. For example, you may elect to have some money put into checking as well as a savings account. Please submit a voided check or bank deposit slip with the bank's routing number to the Accountant to initiate direct deposit. It may take one or two pay periods before the transaction can be completed. In the meantime, you will receive a manual check. Remember to notify payroll before you change the financial institutions where your checks are being sent. It takes a week or two to retrieve a check that has been sent via electronic mail.

Commented [KS6]: The Town cannot require direct deposit.

Training Time

Any meetings, lectures, and training programs that an employee is required to attend will be considered compensated time.

Travel Expenses

We will reimburse you for approved Town travel expenses if the President approves the travel in advance. We reimburse approved travel expenses such as travel, meals, lodging, and other expenses if they were necessary to meet the objectives of the trip. You are expected to keep expenses within authorized limits. The Town will reimburse approved use of your personal vehicle for business travel at the ~~County~~ CURRENT IRS mileage rate.

Commented [KS7]: Hard to locate County rate, IRS rate is easier.

If you are involved in an accident while on business travel, immediately report the accident to your supervisor or the President. If you use a vehicle owned, leased, or rented by the Town, you may not use that vehicle for personal reasons unless you have advance approval. Submit your completed travel expense report within 10 days of the end of your approved trip. You must also submit receipts for every expense item. See the President or the accountant for help and questions about business travel, expense reports, or any other travel issues.

Operations During Emergencies

In the event of storms or other emergency situations, it may be advisable to close or limit some Town operations. The Town of Upper Marlboro will follow the schedule that the Prince George's County Court system is operating under. As events dictate, the President, after consultation with the Board, TOWN ADMINISTRATOR, and Chief of Police, will determine which employees are essential to Town operations. To protect the health and safety of the Town, essential employees (i.e. Public Safety, Public Works) will be required to come to work.

Non-essential employees who have telework capabilities should work from home following the standing telework policy. Employees who do not have telework capabilities will be granted unscheduled leave or leave without pay. In the extreme event that a decision is made

that no operations can be conducted, the employees who are scheduled to work will be granted administrative leave with pay. If the Town closes before the normally scheduled closing time, employees will be paid for the entire scheduled workday.

Employee Benefits

Employee Benefits

Full-time employees of the Town receive many benefits. Some benefits are required by law and cover all employees. The legally required benefits include Social Security, workers' compensation, and unemployment insurance. There are several factors that decide if you are eligible for a benefit. One important factor is your employment classification. See the President to find out which benefit programs you are eligible. This employee handbook contains policies describing some of the benefit programs, or you may find more information elsewhere, such as the Summary Plan Document. The Town provides the following benefit programs to eligible employees:

- Dental Insurance
- Health Insurance
- Holidays
- Jury Duty Leave
- Pension Plan
- Sick Leave Benefit
- Vacation Benefits.
- BEREVMENT LEAVE
- MATERNATY LEAVE

Some benefits are provided to the employee and some are voluntary or co-pay. The Town will provide you with information on both types of benefits. All full-time Employees are generally eligible for benefits on their first official day of work. Part-time employees are not eligible for benefits.

Social Security

The payment of Social Security and Medicare Benefits are made by you and the Town. The Town matches your contribution to the Social Security and Medicare and thereby pays one-half of the cost of your Social Security Retirement and Medicare Benefits under the Social Security Act. 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.

Unemployment Insurance

The Town pays the entire cost of unemployment insurance. This insurance provides a weekly income for those who may be laid off or who may have lost their job through no fault of their own. The amount of this income varies with the individual and state in which he/she resides because it based on average earnings. Eligibility requirements and the amount of benefits that you may receive are specified by state law.

Workers Compensation Insurance

Employees are provided Workers' Compensation coverage from the day they begin work. The Town pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their Town employment. Regardless of how minor, employees must report all accidents to their supervisor immediately and in no case more than 24 hours after the injury.

If a work-related injury requires medical attention by a physician or any other medical facility that produces a bill, a claim must be made out the same day by the employee's supervisor. If the injury causes the person to be away from work beyond three days, this injury must be reported to the State Workers' Compensation Division.

The employee's supervisor is responsible for submitting a copy of the original claim to the President who will forward it to the Town's insurance company. Employees are not authorized to go to a physician without first advising their supervisor. Employees will not be eligible for regular compensation or vacation or holiday pay in addition to any Workers' Compensation received.

Medical Insurance

The Town's medical insurance plan offers access to group medical care insurance benefits. Eligible employees may participate in the medical insurance plan subject to the terms and conditions of the agreement between the Town and the insurance carrier. Prior to becoming eligible, you will receive the Summary of Benefits and rate information. For questions about medical insurance, contact your Supervisor for additional information. The Town reserves the right to change offered health plans and the Town's contribution by action of the Board of Commissioners.

Retirement Plan

The Town is a participant in the Maryland State Retirement System under the Employees Retirement and Pension System and the Alternative Contributory Pension Selection (ACPS), a benefit tier within ERPS. If, otherwise eligible, all employees budgeted for more than five hundred hours of work are required to join this retirement system. The employee is required by state law to contribute to the retirement fund at a rate defined by the State of Maryland. The Town contributes to the employee retirement fund at a rate defined by the State of Maryland. The employee should contact his or her retirement coordinator for further information or inquiries.

Paid Vacation and Sick Leave

BELOW IS THE VACATION ACCRUAL CHART FOR THE EMPLOYEES OF THE TOWN OF UPPER MARLBORO.

|

VACATION ACCRUAL CHART

Length of Service	Vacation PTO Accrual Rate	Vacation PTO Total Annual	Sick Leave Accrual Rate	Sick Leave Total Annual
0-4 Years	4 hrs.	13 Days	4 hrs.	13 Days
5-10 Years	6 hrs.	19.5 Days	4 hrs.	13 Days
10+ Years	8 hrs.	26 Days	4 hrs.	13 Days

VACATION PTO: EMPLOYEES HIRED AFTER THE ADOPTION OF THE 2021 VERSION OF THIS HANDBOOK MAY CARRY OVER A MAXIMUM OF 120 HOURS PER YEAR. EMPLOYEES HIRED PRIOR THE PASSAGE OF THIS 2021 VERSION OF THE HANDBOOK MAY CARRY OVER A MAXIMUM OF 240 HOURS PER YEAR. VACATION PTO IS PAID OUT AT THE EMPLOYEE'S CURRENT RATE WHEN AN EMPLOYEE LEAVES THE TOWN.

SICK LEAVE: THERE IS NO MAXIMUM AMOUNT OF SICK LEAVE THAT CAN BE CARRIED OVER. SICK LEAVE IS NOT PAID OUT WHEN AN EMPLOYEE LEAVES EMPLOYMENT WITH THE TOWN. UNUSED SICK LEAVE CAN BE APPLIED AS SUCH TO ALLOW AN EMPLOYEE TO RETIRE UP TO TWO MONTHS EARLY, OR 320 HOURS.

EMPLOYEES HIRED PRIOR TO THE ADOPTION OF THE 2021 VERSION OF THIS HANDBOOK ARE GRANDFATHERED AND WILL ACCRUE LEAVE AT THE RATE OF 5HRS VACATION UNTIL THEY REACH THEIR 5-YEAR EMPLOYMENT ANNIVERSARY AND ACCRUE LEAVE ACCORDING TO THE ACCRUAL CHART.

Commented [KS8]: Section updated based off Res 2020-24 and Commissioner & staff feedback.

~~Each full-time employee earns 80 hours of annual (or vacation) leave per year and 80 hours of sick leave per year. Leave is accrued every two-week pay period, at the rate of 5.00 hours of annual leave and 4.0 hours of sick leave by each full-time employee. Up to 240 hours of annual leave may be carried from year to year.~~

~~If an employee leaves his or her position or is terminated, only accrued annual leave time (up to the 240-hour maximum) shall be paid to the employee at his or her hourly rate. Sick leave can be accrued indefinitely but may only be used when the employee, or a member of the employee's family living in the same household, is sick. If an employee leaves his or her position or is terminated, accrued sick leave shall not be paid to the employee.~~

~~Employment regulations in Maryland state that a Town is not required to pay accrued vacation to an employee if; the Town policy limits compensation of accrued leave; the Town notified the employee of the policy; and the employee is not entitled to payment at termination under the terms of the policy.~~

Employees may cash-out their vacation leave ~~twice~~ ONCE per year with approval from their immediate supervisor. Request for leave cash-outs must be made at least 1 pay period before receipt of the cash-out payment.

Maryland Sick and Safe Leave

The Maryland Healthy Working Families Act requires that employers who employ 14 or fewer employees provide unpaid sick and safe leave for certain employees. Pursuant to Maryland law, employees of employers having 14 or fewer employees are entitled to earn (unpaid) sick and safe leave at the rate of 1 hour for every 30 hours that an employee works up to a maximum of 40 hours per year. The fiscal year commences on July 1 and ends on June 30. An employee accrues earned sick and safe leave at a rate of at least one hour for every 30 hours the employee works, however, an employee is not entitled to earn more than 40 hours of sick and safe leave in a year.

An employee is not entitled to earn sick and safe leave during:

- a two-week pay period in which the employee worked fewer than 24 hours total;
- a one-week pay period if the employee worked fewer than a combined total of 24 hours in the current and preceding pay period; or
- a pay period in which the employee is paid twice per month and the employee worked fewer than 26 hours in the pay period.
- An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

An employee may carry over any earned but unused sick and safe leave up to 40 hours, but an employee may not accrue more than 64 hours of sick and safe leave at any time.

Employees will not be paid for any unused sick and safe leave upon termination of employment. If an employee leaves employment and is rehired within 37 weeks of leaving, any earned and unused sick leave that the employee had at the time of separation will be reinstated.

Leave Usage

An employee can use earned sick and safe leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury or condition;
- To obtain preventative medical care for the employee or the employee's family member;
- To care for a family member with a mental or physical illness, injury or condition;
- For maternity or paternity leave; or
- The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee's family member and the leave is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated because of the domestic violence, sexual assault or stalking.

A family member includes a spouse, child, parent, grandparent, grandchild, sibling, or legal guardian. For a complete list of family members included under the law, please see §3-1301(G) of the Labor and Employment Article of the Maryland Annotated Code.

Employees are permitted to use the leave in increments of not less than 15 minutes.

An employee may use earned sick and safe leave before the leave has accrued up to a maximum of 40 hours. If an employee wishes to use leave before it has accrued, the employee must sign an acknowledgement that any amount of earned sick and safe leave that is paid before it has accrued will be deducted from wages paid to the employee if the employee leaves employment prior to accrual.

If the need to use sick and safe leave is foreseeable (for example a scheduled doctor's appointment), the employee must provide notice 7 days prior to leave use. Notice must be in writing, either hard or soft copy, and directed to the employee's immediate supervisor. If the need to use leave is not foreseeable, the employee must provide notice as soon as practicable.

A request for earned sick and safe leave may be denied if the employee fails to provide the required notice and the employee's absence will cause disruption to the employer.

Employees may only use earned sick and safe leave for one of the listed authorized reasons. Employees using earned sick and safe leave for unauthorized purposes or who have demonstrated a pattern of abusing sick and safe leave may be denied the right to use sick and safe leave in the future.

If an employee uses sick and safe leave for more than two consecutive scheduled shifts, the employee must provide verification that the leave use was appropriate.

As indicated above, employees may not use sick and safe leave for the first 106 days of their employment. Employees who wish to use leave between the 107th through the 120th calendar days after beginning employment must provide verification that the leave use was appropriate as agreed upon at the time of hire. [Employer Option: To require this verification of use between 107th and 120th days, employer and employee must have mutually agreed at the time of hire that the employee would provide such verification].

Statement of Earned Sick and Safe Leave

With each pay period, employees will be provided with a statement of leave used and available leave.

Parental Leave

The Town of Upper Marlboro will provide up to six weeks (thirty work days or 240 hours) of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after [date].

Eligibility:

Eligible employees must meet the following criteria:

- Have been employed with the Town for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a child by a new spouse is excluded from this policy.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of six weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the six-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six-month time frame.
- In the event of a female employee who herself has given birth, the six weeks of paid parental leave will commence at the end of any short-term disability leave/benefit provided to the employee for the employee's own medical recovery following childbirth.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the six-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the six-month time frame.
- Upon termination of the individual's employment with the Town, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

- Employees are not required to use this leave consecutively, and are able to mix in telework, in-offices days, regular accrued sick leave and vacation days after receiving approval from their supervisor.

Military Leave

The Town will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services or State militia in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) or State law. You must give the President advanced notice of upcoming military service, unless military necessity prevents notice, or it is otherwise impossible or unreasonable. You will not be paid for military leave unless you are on leave as part of the organized militia of the State of Maryland. Public employees serving in the State militia are entitled to paid leave or differential paid military leave under Md. Code Ann. State Personnel and Pensions § 9-1104(3) and § 9-1107. You may use any available accrued paid time off, such as vacation to help pay for the leave.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible. Your benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again. If you are on military leave for up to 30 days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than 30 days, you must apply for reinstatement in accordance with USERRA and applicable state laws.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For determining benefits that are based on length of service, you will be treated as if you had been continuously employed. If you have questions about military leave, contact your President for more information.

Bereavement Leave

If an employee suffers the death of an immediate family member, the employee is entitled to take up to five (5) consecutive days off work upon immediate notification to his or her supervisor. For purposes of bereavement leave, the Town defines an “immediate family member” as an employee’s spouse, parent of employee or spouse, child, brother, or sister of employee or spouse (including step-relationship). Eligible employees are also entitled to one (2) day’s pay in the event of the death of an additional family member. An “additional family member” is defined by the Town as an employee’s or spouse’s grandparent, grandchild, aunt or uncle. Employees may, with the prior approval of their supervisor, use any available paid leave for additional time off as necessary.

Bereavement pay is calculated based on the base rate at the time of absence and will not include any special forms of compensation such as incentives, shift differential, or bonuses.

Jury Duty

It is against the law to discriminate or discharge an employee because of a summons or service on a jury. Employees are not obligated to use annual sick or vacation leave for jury duty. The Town will continue to pay the employee's regular wages while they serve on a jury, less any jury duty fees they may receive from the court. The Town encourages you to fulfill your civic responsibilities by serving jury duty when required. If you receive a jury duty summons, show it to your immediate supervisor as soon as possible so that arrangements can be made to accommodate your possible absence from work.

Witness Duty

If you receive a subpoena to testify in court, the Town will give you time off to be a witness. You may take leave without pay or paid vacation time off. If you are summoned to be a witness for the Town or if we ask you to testify, we will give you time off with pay. If you need time off to be a witness, show the subpoena to your Supervisor as soon as you receive it. We expect you to report for work whenever you are not needed in court.

Voting

The Town encourages you to fulfill your civic responsibilities by voting in elections. Generally, the polls are open for several hours in the morning and evening and we expect that you will be able to vote either before or after work hours. Registered voters are entitled to two hours of paid administrative leave, unless they have two continuous non-working hours when the polls are open. Employees may be required to furnish proof of voting or attempting to vote.

Holidays

The Town observes holidays on the same day as the State Court System (excluding furlough and other service reduction days). Currently those holidays are as follows:

- (1.) New Year's Day
- (2.) Dr. Martin Luther King Jr.'s Birthday
- (3.) Washington's Birthday (Presidents' Day)
- (4.) Memorial Day
- (5.) Independence Day
- (6.) Labor Day
- (7.) Columbus Day
- (8.) Veterans' Day
- (9.) Thanksgiving Day
- (10.) Friday after Thanksgiving
- (11.) Christmas Day.

Holidays that are observed during a work week (Monday through Friday) will be paid holidays for full time employees. Part time employees who are normally scheduled to work on a work week day that falls on a holiday will also be paid for the day. Full time shift employees who are not scheduled to work on a work week day holiday will be paid for the holiday.

Employee Conduct and Responsibilities

Attendance/ Punctuality

We expect the Town's employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your immediate supervisor as soon as possible in writing using your town email account or a text message to your immediate supervisor at least 3 hours in advance. Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

Standard of Conduct

The purpose of this policy is to outline what the Town expects from its employees in terms of appropriate behavior. Employees who violate the Standards of Conduct are subject to disciplinary action, up to and including termination.

The below lists are not all-inclusive, and the Town reserves the right to take corrective action for any behavior it deems inappropriate for the efficient operation of the Town. The Town will follow the progressive discipline policy for violations of the Standards of Conduct except as noted below.

Unacceptable Violations

Infractions of the following Standards of Conduct are deemed to be unacceptable and may result in termination upon the first offense:

- (1.) Theft of Town property or personal property of another employee;
- (3.) Falsification of an application or Town record;
- (4.) Sleeping while on duty;
- (5.) Unauthorized disclosure of confidential information;
- (6.) Violation of harassment policy;
- (7.) Fighting, threatening, or attempting bodily injury to another person on Town property;
- (8.) Deliberately damaging Town property, property belonging to a co—worker or to a vendor;
- (9.) Failure to wear safety equipment where required;
- (10.) Unauthorized use of Town time, materials, tools, etc. for personal gain;
- (11.) Unauthorized alteration of Town machinery or equipment;
- (12.) Violation of safety rules which could result in serious injury to self or others;
- (13.) Reporting to work under the influence of drugs and/or alcohol;
- (14.) Unauthorized possession of guns, knives, weapons, explosives, etc. on Town property;
- (15.) Testing positive for drugs on a Town—administered drug test;
- (16.) Refusal to cooperate with the investigation of a work-related matter;

- (17.) Insubordination;
- (18.) Failure to conform one's behavior to the requirements of the law including the Town Charter, State statutes, ordinances, written resolutions, directives, and other Town policies;
- (19.) Indecent or immoral behavior on Town property;
- (20.) Conviction of a felony or misdemeanor involving moral turpitude.

General Violations

The following violations will be generally handled under a progressive disciplinary policy:

- (1) Improper work attire; in violation of Town dress code policy;
- (2) Contributing to unsanitary work conditions;
- (3) Leave work area without permission;
- (4) Failure to provide an acceptable quality of work;
- (5) Repeated tardiness or absence; failure to report to work without satisfactory reason;
- (6) Smoking in restricted areas;
- (7) Unauthorized solicitations or posting of materials on the Town bulletin board;
- (8) Improper operation of any vehicle on Town or public property;
- (9) Unauthorized use of Town telephones, computers or communications services;
- (10.) Use of abusive, threatening or obscene language.

Progressive Discipline

We believe it is important that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future. Progressive discipline means that we will normally take these steps in the following order:

- (1.) A first offense may call for a verbal warning;
- (2.) The next offense may be followed by a written warning;
- (3.) Another offense may lead to a suspension;
- (4.) Repeated offenses may lead to termination of employment. In very serious situations, certain offenses may justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

You should also look at the "Standard of Conduct" section in this handbook. That policy lists examples of unacceptable conduct that might result in immediate suspension or termination of employment. However, some of the examples of unsatisfactory conduct listed may result in the progressive discipline process described above instead of immediate suspension or termination.

By using progressive discipline, we hope that most employee conduct problems can be corrected at an early stage, benefiting both the employee and the Town. However, nothing herein should be construed as an employment contract or an expectation that an employee is entitled to continued employment based on good behavior. Unless a valid employment contract or law states otherwise, every Town employee, except for sworn, non-probationary, law enforcement officers below the position of Chief, may be terminated with or without cause or reason.

Cell Phone Usage

We provide cell phones to some employees for Town use. Employees with cell phones can use them for short personal calls within reasonable limits. We check cell phone bills to make sure this policy is being followed.

Maryland bans the use of hand held cell phones, including texting, from any cell phone use while driving. The Town prohibits employees using cell phones while they are driving. If you are driving and need to use a cell phone, you should pull off the road and stop before you place a call or talk on the phone.

Drug Free Workplace

The Town is committed to be a drug-free and safe workplace. The Board of Commissioners and its employees, as well as its appointed and elected officials shall comply with the Town's Substance Abuse Policy which includes the Governor's most recent executive order (Executive Order 01.01.1991.16, as amended (available at http://www.dsd.state.md.us/COMAR/subtitle_chapters/Titles.aspx) regarding a drug and alcohol-free workplace and any regulations promulgated thereunder. Our employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs, or other drugs that would affect his/her ability to perform the job in a safe and efficient manner.

No employee shall consume, display, or have in his/her possession, including the workplace or in Town vehicles, alcoholic beverages or illegal drugs at any time during the workday, including during lunch, breaks, and on-call hours. To do so could jeopardize the safety of other employees, Town equipment, and the Town's relations with the public, and is a prime cause for disciplinary action, up to and including discharge.

When employees are required to take any kind of prescription or nonprescription medication that may potentially affect their job performance, they are required to report this to their immediate supervisor, who will determine if it is necessary to temporarily place them on another assignment or take other appropriate action.

To protect the best interests of employees and the public, the Town will take whatever measures are necessary to determine if alcohol or illegal drugs are located on, or are being used on, Town property. When there is reasonable suspicion of substance abuse, measures may be taken that include, but are not limited to, drug and/or alcohol testing and searches conducted by law enforcement authorities or by management, of people and personal property located on Town premises.

When urinalysis and/or blood tests are requested or necessary, samples will be taken under the supervision of an appropriate health care professional. The above-mentioned searches and drug tests will not be conducted if an individual refuse to submit; however, refusal to submit will result in immediate removal from service and may result in termination.

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance to resolve such problems before they become serious enough to require management referral or disciplinary action. If you have questions regarding this policy or issues related to drug or alcohol use at work, you can raise your concerns with your immediate supervisor or the President without fear of reprisal. The Town of Upper Marlboro ("Town") Substance Abuse Policy is as follows:

A. Definitions. The following words have the meanings indicated:

- (1) "Substance" means alcohol or drugs.
- (2) "Alcohol" means ethyl alcohol or ethanol.
- (3) "Drug" means:
 - (a) A controlled dangerous substance;
 - (b) Any other substance which must be dispensed by a licensed health care professional;
 - or,
 - (c) An over-the-counter drug.
- (4) "Abuse" means:
 - (a) The use of an illegal drug;
 - (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the Town employee or could impair the job performance of an applicant for Town employment;
 - (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a Town employee or could impair the job performance of an applicant for State employment; or
 - (d) The use of alcohol if it impairs job performance of the Town employee or could impair the job performance of an applicant for Town employment.
- (5) "Workplace" means any place where an employee is performing work for the Town.
- (6) "Employee" means:
 - (a) A contractual, key employee, or other employee or official of the Town;
 - (b) A volunteer who provides a service to or for the Town; or
 - (c) A member of a Board, Committee or Commission of the Town.
- (7) "Sensitive Employee" means an employee whose classification or position having safety-sensitive duties like operating vehicles or machinery, has been designated sensitive in writing by the President to the Board and the affected employee.
- (8) "Conviction" means:
 - (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or
 - (b) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of nolo contendere.
- (9) "Alcohol Driving Offense" means:

- (a) Driving or attempting to drive while:
 - (a) Intoxicated; or
 - (ii) Under the influence of alcohol; or
 - (b) Operating or attempting to operate a vessel while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol.
- (10) “Controlled Dangerous Substance Offense” means:
- (a) A controlled dangerous substance violation, under the Criminal Law Article of the Annotated Code of Maryland;
 - (b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
 - (c) Driving or attempting to drive while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance; or
 - (d) Operating or attempting to operate a vessel while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance.

B. General Policy. The Board establishes and adopts the following substance abuse policy for the Town Government:

- (1) The Town is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress, and by Executive Order of the Governor.
- (2) All employees in the workplace must be capable of performing their duties.
- (3) Employees experiencing substance abuse problems are encouraged to seek assistance through:
 - (a) Their employer;
 - (b) Self-referral to the employer's Employee Assistance Program; or
 - (c) Self-referral to an alternative certified rehabilitation program.
- (4) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
- (5) Employees are prohibited from:
 - (a) Abusing alcohol or drugs;
 - (b) Committing a controlled dangerous substance offense; or
 - (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

- (1) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.
- (2) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's supervisor within 5 work days.
- (3) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
 - (a) Convicted of an at-the-workplace alcohol driving offense; or

- (b) Found under the influence of alcohol while at-the-workplace.
- (4) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:
 - (a) On the first conviction, be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
 - (b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;
 - (c) On the third conviction, be terminated.

D. Drug Abuse Policy.

- (1) Working under the inappropriate influence of prescription drugs or over-the-counter drugs are a violation of this policy and shall subject the employee to disciplinary action.
- (2) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
- (3) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.
- (4) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
- (5) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, or similar benefit, as provided for by the Town's drug testing protocol.
- (6) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
 - (a) Be suspended for 5 work days; and
 - (b) Be required to participate successfully in a drug treatment program designated by an employee assistance program or fringe benefit, if one exists for the Town.

E. General Sanctions. Any employee otherwise in violation of this Policy shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

- (1) When a supervisor or the President learns or, based on observation or reliable information, suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the supervisor or the President shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
- (2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. All supervisors shall educate and inform their employees about:

- (1) The dangers of drug and alcohol abuse in the workplace and the community at large;

- (2) The Town's policy of maintaining a drug-free workplace;
- (3) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
- (4) The penalties that may be imposed upon employees for violations of this Policy.

H. Consent to Drug or Alcohol Test.

- (1) Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and releasing the results of the test to the Supervisor or President.
- (2) All new applicants shall, as a condition of employment with the Town, sign a consent to a drug or alcohol test.

I. Testing of Employees.

- (1) All persons employed by the Town shall be subject to drug or alcohol testing if there is reasonable suspicion that the employee has been using drugs or alcohol on the job site or reports to work in an unfit condition which appears either drug or alcohol related. If reasonable suspicion exists, the Supervisor or President may immediately order that the employee be tested for the presence of drugs or alcohol.
- (2) "Reasonable suspicion" means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. The Supervisor or President shall document, in writing, the specific facts, symptoms or observations which favor the basis for the determination that reasonable suspicion exists to warrant the testing of an employee.
- (3) An employee tested for reasonable suspicion shall be suspended with pay for 48 hours after the test to allow for the receipt of the test results.
- (4) Any applicant for employment with the Town shall be subject to a drug or alcohol test at the discretion of the Supervisor or President without reasonable suspicion.
- (5) Any employee tested for drugs shall receive a copy of the laboratory test results within 30 days after the test was performed. The results shall be delivered either in person or by certified mail. A copy shall be placed in the employee's personnel record.

J. Employee Treatment.

Employees who voluntarily seek assistance for a drug or alcohol abuse problem will not be terminated if that assistance is sought prior to action being taken under this article. If, however, the employee continues to use illegal drugs or abuse alcohol in such a manner that it affects the employee's job performance, he/she shall be subject to the penalties imposed in § K of this resolution.

K. Enforcement.

- (1) Any employee who fails to consent to a test upon a finding of reasonable suspicion shall be terminated from employment with the Town and shall not be subject to rehiring by the Town.
- (2) Any applicant who fails to sign the consent to drug or alcohol testing or who, at the request of the Supervisor or President, refuses to be tested shall not be considered for employment with the Town and shall not be eligible to apply for any other position with the Town for 18 months.
- (3) Any employee who fails to report a charge or conviction under this resolution shall be subject to immediate termination from employment with the Town and shall not be subject to rehiring by the Town.

L. Implementation.

- (1) The President shall adopt such policies and orders as are necessary or desirable for the implementation of this Policy.
- (2) All supervisors are responsible for implementing and enforcing and monitoring compliance with the requirements of this Policy.
- (3) All employees are required to acknowledge receipt of a copy of this Policy by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.

Safety

The Occupational Safety and Health Act (OSHA) requires all employers to provide a safe and healthful workplace for their employees. In this regard, it is important that adequate policies and procedures be developed and adhered to ensure safe, efficient operating conditions, thereby safeguarding employees and facilities. The Town will not knowingly permit unsafe conditions to exist, nor will it permit employees to indulge in unsafe acts. Violations of Town rules and regulations will result in disciplinary action. The Town believes that the safety of employees and physical property can best be ensured by a meaningful program.

Since the employee on the job is frequently more aware of unsafe conditions than anyone else, employees are encouraged to make recommendations and/or suggestions regarding unsafe conditions to their immediate supervisor so that they may be corrected.

Supervisors are responsible for the working conditions within their department. A supervisor should remain alert always to dangerous and unsafe conditions, so that he/she may recommend corrective action, discipline employees who habitually create or indulge in unsafe practices, assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to continue.

Smoking Policy

The Town owned buildings are smoke-free workplaces to maintain the highest possible safety conditions and because we are concerned about our employees' health. We also encourage smokers to quit smoking. Any questions regarding our Non-Smoking policy, please contact the President.

Reporting Work Related Injuries

The Town pays 100% of the premium on insurance provided by our Workers' Compensation under the WC Act. This law was designed to provide you with benefits for any injury which you receive arising out of your employment with the Town. Under the provisions of the law, if you are injured while at work for the Town, this injury must be reported immediately to your supervisor, no matter how slight it might seem. Failure to do so could result in your claim for Workers' Compensation benefits to be denied by the insurer.

You may see any physician you choose—the law does not require you to see or be treated by a doctor selected by your employer. The doctor you choose will prescribe a treatment program and will release you to return to work when your condition has improved.

Confidentiality

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not disclose this confidential information in any situation outside of work related situations necessitating the disclosure of confidential information. Specifically, no employee shall use confidential information to their private advantage or to provide friends or acquaintances with private advantages.

Each employee should only release confidential information when required to do so under the law. Confidential information should in no way be divulged verbally, in written correspondence or e-mail. Employees must also adhere to the Town's Public Ethics Ordinance and may further be held liable for violations of the provisions dealing with confidentiality, namely Section 6.

Failure to abide by this policy will result in disciplinary action, up to and including discharge. Employees are required to sign Town confidentiality agreements to maintain employment with the Town.

Outside Employment

A Town non-elected employee may engage in outside employment; however, no employee may engage in outside employment which interferes with the proper and effective performance of his or her position or results in a conflict of interest. Employees must inform his or her supervisor and the President of their outside employment. If the Board of Commissioners determines that such outside employment is disadvantageous to the Town or affects the employee's efficiency, the President shall notify the employee in writing that the outside employment must be terminated.

The Town will not be liable in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment. Outside employment by Town police officers must also be approved by the Chief of Police, pursuant to written policy directives in conformity with the Town's insurance carrier's requirements. Secondary employment of police officers shall require an employment agreement entered by both employers and the employee. The employment agreement shall

include an indemnification clause and shall be approved and signed by the President on behalf of the Town.

Personnel Records and Access

The Town maintains a general personnel file for each employee. The general file contains such items as the hiring documents, resume, cover, application form, emergency contact information, salary history, copies of the performance appraisals, disciplinary action forms, training records, etc. In addition to the general personnel file, the Town maintains separate files for:

- (1.) Form I-9, Employment Eligibility Verification
- (2.) All medical information is kept in a separate file and its availability is strictly limited to personnel on a need-to-know basis.

An employee's personal information is carefully safeguarded. Only supervisors, the subject employee, the Town Clerk, the Town Attorney and the President are permitted to view the contents of an employee's personnel record and medical information. Employees are reminded to notify their immediate supervisor in the event of a change of address, phone number, and emergency notification information so that your record may be kept current.

Workplace Etiquette

The Town can be a pleasant place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your co-worker what is bothering you. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.

The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact the President.

- (1.) Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- (2.) Try to minimize unscheduled interruptions of other employees while they are working.
- (3.) Be courteous and respectful to your colleagues and superior(s) both in written and verbal communication.
- (4.) Be conscious of how your voice travels and try to lower the volume of your voice when talking on the phone or to others in open areas.
- (5.) Refrain from using inappropriate language (swearing) that others may overhear.
- (6.) Avoid discussions of your personal life/issues in public conversations that can be easily overheard.

- (7.) Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- (8.) Strive to maintain a clean and clutter free work environment

Workplace Violence

The Town will not tolerate workplace violence. Any employee who commits an act of violence at work against a person or property will face disciplinary action up to and including discharge. If circumstances warrant, the matter will be referred to legal authorities for prosecution. Workplace violence is violence against employees and is committed by persons who either have an employment—related connection with the Town or are outsiders, and involves:

- (1.) Physical acts against persons or Town property,
- (2.) Verbal threats or vicious statements that are meant to harm or cause a hostile environment,
- (3.) Written threats, vicious cartoons or notes, and other written material that is meant to threaten or create a hostile environment, or
- (4.) Visual acts that are threatening or intended to convey injury or hostility.

All employees are expected to report any act of violence. Employees should bring their concern directly to the attention of their immediate supervisor. All such reports shall be fully investigated. Any employee who takes any adverse action against a person who reports any act of violence or a suspicion of violence shall be subject to immediate discipline, up to and including discharge.

Complaint Procedure

Your complaints and problems are of concern to the Town. It is our policy to consider any issues that may affect your job performance. The only way we can help you answer your questions or solve your problems is for you to tell us about them.

- (1.) If you have a problem or misunderstanding, the first step is to talk to your immediate supervisor and submit your concerns in writing to your supervisor within five working days of its occurrence. Your supervisor will give you an opportunity to discuss the matter fully and should give you an answer both verbally and in writing within three working days following the discussion. Most of problems can be resolved in this manner. If the problem or complaint is with your immediate supervisor, go to Step 2.
- (2.) If your supervisor has not answered your complaint to your satisfaction, you will have five (5) additional days to request an appointment with the President who will discuss the problem and respond within five days of the interview. The decision of the President on a problem situation will be final and binding.

There will be no discrimination or retaliation against anyone presenting a complaint or discussing a problem with supervisors or anyone in management.

Harassment (Anti-Harassment)

We expect every person to be treated with fairness, respect, and dignity. This includes citizens, the public as well as employees. Accordingly, any form of harassment based on an individual's race, color, sex, religion, national origin, sexual orientation, age or disability is a violation of this policy and will be treated as a disciplinary matter. The term harassment includes slurs and any other offensive remarks, jokes, graphic material, or other offensive verbal, written, or physical conduct. Unwelcome sexual advances, requests for sexual favors, and any other unwelcome, unbecoming verbal or physical conduct will not be tolerated. Neither submission to, nor rejection of, such conduct, will be used as a basis for employment decisions.

The Town is committed to maintaining a safe and healthy work environment and takes all appropriate health and safety precautions consistent with current medical knowledge. Employees may not refuse to work with or cooperate with, withhold services from or otherwise harass, intimidate, degrade or isolate a coworker because of a known or suspected disability or disease, or because of a coworker's association with a person with a disability or disease.

Any employee who believes that he or she has been subject of harassment shall immediately report the conduct to your Supervisor or a Commissioner. The Town will promptly investigate all complaints and will endeavor to handle these matters expeditiously, confidentially, and in a professional manner to protect the offended individual and other individuals providing relevant information. Upon completion of a thorough investigation by management, prompt and appropriate action will be taken. There will be no retaliation against anyone for stepping forward with a concern regarding any type of harassment. All employees are to cooperate with any investigation into a harassment complaint. False accusations of harassment cause harm to innocent people and such conduct will not be tolerated.

The Town will take all steps necessary to prevent any form of harassment from occurring. All supervisors are informed of this policy and have been instructed as to what constitutes proper and improper behavior. We are prepared to promptly take steps necessary to enforce this policy. Violations of the Town's harassment policy will result in disciplinary action, up to and including discharge.

Town Property

The Town may issue you property, materials or written information to help you do your job. You are responsible for protecting and controlling any property we issue you. You must also return any property given to you promptly upon request. If you terminate your employment with the Town, you must return all Town property immediately. The following are items are Town property that may be issued to you. Not all employees will receive each item.

- Credit Card(s)
- Laptop, Computer and software
- Badges
- Keys

- Manuals
- Cell Phones
- Protective Equipment
- Security Passwords
- Tools
- Uniforms
- Vehicles
- Written Material(s)
- Public Records (printed or electronic format)

If you do not return our property and if the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

Use of Town Owned Vehicles

Every employee that has the privilege to drive a Town of Upper Marlboro owned vehicle as a part of their employment, will agree to have their driving record reviewed once a year. The Town expects all our employees to be safe drivers. Evidence of unsafe driving, either on the job or off, may subject the employee to disciplinary action. Any accident involving a Town vehicle will be investigated by the Town of Upper Marlboro Police Department and will require an accident report. The only exceptions are when a police vehicle is involved in an accident outside of the Town's corporate boundaries, or those times when there is no Town police officer on duty. If investigated by any other agency, an accident report will be required. When a Town employee is involved in an accident while driving a Town owned vehicle, breath-analyzer testing and drug screening will be conducted.

Personal Data Changes

It is important that the Town maintain certain personal information about you in our records. You are responsible to inform us whenever there is a change to your mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other possibly related information.

We also need to have information about who to contact in case of an emergency. Contact your supervisor to change your personal information or if you have questions about what information is required.

Computer Policy, Including Internet Usage and Email

Internet access is provided to individuals to benefit the Town through connection to worldwide information resources. Employees have a responsibility to maintain and enhance the Town's public image while accessing the Internet using Town property by following these guidelines:

- (1.) Employees using Internet access via Town hardware and software are representing the Town. As such, their conduct should be ethical and lawful always. Channels may

be accessed for official Town business to gain technical or analytical information and to establish official contacts.

- (2.) Internet access should not be used for personal gain or advancement of personal views, for solicitation of non-Town business, or result in the disruption of the Town network operation or interfere with personal productivity at work.
- (3.) Employees are responsible for the content of all text, audio, or images they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited.
- (4.) All messages on the Internet should be identified with the employee's name. Employees may not obscure the origin of messages and the information published should not violate or infringe upon the rights of others. Abusive, profane or offensive language transmitted through the Town system is strictly prohibited.
- (5.) Employees may not download software without the express acknowledgment and support of the President or contrary to applicable procurement policies to ensure that proper licenses are obtained, and viruses are not transmitted.
- (6.) Employees may not violate the copyright laws regarding receipt/download of materials available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use".
- (7.) All messages created, sent, or retrieved over the Internet are the property of the Town and should be considered public information. The Town reserves the right to access and monitor all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver. Staff shall avoid creating public forums that prevent the removal of inappropriate content on social media sites by posting an appropriate disclaimer and rules for use of the limited public forum.
- (8.) Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sexual orientation, or other protected attributes may not be transmitted.

Violations of this section may result in disciplinary action up to and including termination and illegal activities may result in prosecution by legal authorities.

Miscellaneous

Ethics Policy

The Town conducts its operations fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations. We are committed to conducting the Town's operations with integrity underlying all relationships. The highest standards of ethical conduct are required of our employees in performance of their responsibilities.

Employees will not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- (1.) Using your position for private gain;
- (2.) Giving preferential treatment to any person or entity;
- (3.) Adversely affecting the confidence of the public in the integrity of the Town.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.

The President is responsible for providing policy guidance and issuing procedures to assist employees in complying with the Town's expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. In addition to this Ethics Policy, employees shall also adhere to the Town's Public Ethics Ordinance and may further be held liable and/or further disciplined for violations of the provisions found therein.

Recycling

The Town supports environmental awareness by requiring recycling in the workplace. Employees should dispose of bottles, cans and paper in the appropriate recycling bins. Employees are also encouraged to conserve energy by shutting down their computers, monitors and printers at night and by turning off the lights when not needed.

Political Activity

Pursuant to Maryland State law (Maryland Code Ann., Article 24, Title 13, Section 101—106), an employee of the Town may freely participate in any political activity and express any political opinion but may not be required to provide any political service. An employee may not engage in political activity while on the job during working hours or advocate the overthrow of the government by unconstitutional or violent means.

Dress Code

The Town dress -code policy for administrative staff is business casual Mon-Friday. An example of business casual for men is shirt and tie with business slacks or khakis (sport coats or suit jackets are preferred but not required). For women an example of business casual is dressy blouse with slacks (suit jackets are preferred but not required). Fridays are dress down days; no sneakers, shorts or t-shirts are permitted. Police Officers and Public Works staff should follow their individual departmental dress-code policy.

Severability

If any provision of this handbook or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of this manual which can be given effect without the invalid provision or application. For this purpose, the provisions of this handbook are severable.

Acknowledgment of Receipt of Town Employee Handbook

The Town Employee Handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification.

This handbook should not be construed as an employment contract or agreement for employment for any specified period. The Town reserves the right to make changes to these policies at any time and to promulge or maintain other relevant policies by ordinance, resolution or directive that may not necessarily be specifically referenced herein. When changes are necessary, we will provide you with amended pages for your handbook.

I acknowledge receipt of the Town of Upper Marlboro Employee Handbook (2021 Edition):

Employee Name (*please print*)

Employee Signature

Date

03/19/21 S:\0PERATIONS\0perations PROCEDURES\Employee Handbook\Handbook CXs FY2018\TOUM_EmployeeHandbook_Apprvd_rev-02-10-15.docx



Town of Upper Marlboro

Town Hall, 14211 School Lane
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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator & William Morgan Director of Finance
Date: Friday March 19th, 2021
Re: Town Tax Rate Step Program Discussion

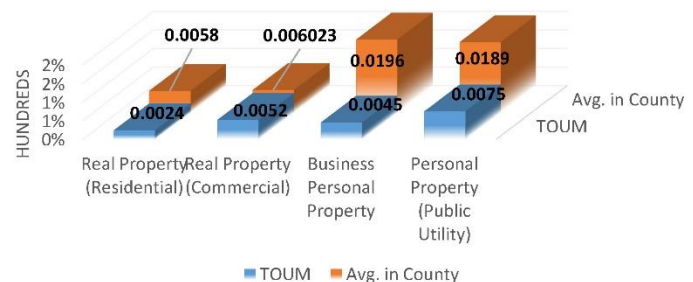
Commissioners,

After discussion at the March 16th Budget worksession, it was determined that the Board wished to explore a “step” tax rate increase spread out over the next three years, with a set small increases every two years afterwards to account for cost of living and inflation. This tax step would remain in place unless a future board intervenes and passes a new Town Tax Rate Ordinance. Below is a draft tax rate step plan drafted by staff for the commissioners to review. This plan places the larger increase in FY22, with smaller increases for FY 23 and FY 24 as discussed:

Classification	Current Rates (FY 21)	FY 22 Rates	FY 23 Rates	FY 24 Rates	Total Change
Residential Property Tax	\$0.24	\$0.30	\$0.34	\$0.38	\$ 0.14
Commercial Property Tax	\$0.52	\$0.54	\$0.56	\$0.57	\$0.05
Business Personal Property	\$0.45	\$0.50	\$0.53	\$0.55	\$0.10
Public Utility Tax	\$0.75	\$1.50	\$1.75	\$2.00	\$1.25

After FY 2024, the residential tax rates would then continue to increase at a rate of \$0.005 per \$100 assessed value every other year (starting in FY2026) to account for cost of living and inflation. To put this into perspective, it would take 8 years for the residential property tax rate to increase from \$0.38 to \$0.40 with these increases.

FY 22: Fiscal Year 2022 (July 1, 2021- June 30th, 2022)
FY23: Fiscal Year 2023 (July 1, 2022 – June 30th, 2023)
FY 24: Fiscal Year 2024 (July 1, 2023- June 30th, 2024)



Below is a chart outlining the estimated Town tax rate the average household will pay in Town taxes with this step rate:

Residential Property Value	FY 21 (Current)	FY 22	FY 23	FY 24	FY 26	FY 28	FY 30
\$200,000	\$480	\$600	\$680	\$760	\$770	\$780	\$790



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator & William Morgan Director of Finance
Date: Friday March 19th, 2021
Re: Town Clerk Hiring Plan

Commissioners,

As you are aware, longtime Town Clerk M. David Williams has notified the Town of this plans to retire, with his last day being on June 30th, 2021. After consulting with Insuraty, the below timeline is proposed for the Board to consider.

Proposed Timeline:

Monday March 29th, 2021 – Friday April 30th, 2021

The job is posted on the Town's website, Maryland Municipal League's Site, and other sites used by Insuraty. The applications/resumes will be collected by Insuraty

Monday May 3rd, 2021 – Friday May 7th, 2021

Insuraty sorts and reviews the applications/resumes and prepares them for presentation to the Board. Interviews are scheduled.

Monday May 17th, 2021 – Friday May 21st, 2021

Interviews are conducted by the Board and Senior Town Staff.

Tuesday May 25th, 2021

The Board enters into closed session during its Regular Worksession to discuss the applicants and make a decision. An offer letter is produced and sent to the candidate. If accepted, the references are contacted, and a background check conducted.

Tuesday June 15th, 2021

First day of training for the new Clerk, is trained by Mr. Williams through June 30th. Mr. Williams remains the official Town Clerk through June 30th. The new Clerk attends and is sworn/appointed at the Regular June Town Meeting, with the full appointment being effective July 1st.

Thursday July 1st, 2021

First day as the new Town Clerk.



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator & William Morgan Director of Finance
Date: Friday March 19th, 2021
Re: ORD 2021-01 Business Licensing

Commissioners,

As has been discussed over the past few months, the Town has been planning to revise its business license program. Proposed changes include:

- 1-year Licenses to 2-year licenses (to reduce staff workload of processing license every year)
- Updated fee schedule (to be set by a separate Resolution)
 - Regular Business: \$300.00 (for a 2-year license or \$150 per year)
 - Home-Based Business: \$25.00
- Inclusion of home-based businesses into the program (as long as they meet State & County requirements)
- Removal of the Liquor Fee to help streamline the process.
- Removal of the lotter fee (deemed to be non-compliant with State law)
- Authorizes the Town Administrator and Director of Finance to utilize a web-based system to manage this program.

Proposed Ordinance Timeline:

Board Discussion: Tuesday March 23rd, 2021 Regular Worksession

Introduction & Public Comment: Tuesday April 13th, 2021, Regular Town Meeting

Board Discussion: Tuesday April 27th, 2021 Regular Worksession

Public Comment & Board Approval: Tuesday May 11th, 2021 Regular Town Meeting

Effective Date: Monday June 1st, 2021

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

ORDINANCE: 2021-01
SESSION: Regular Town Meeting
INTRODUCED: April 13th, 2021

AN ORDINANCE PROVIDING FOR THE LICENSING OF ASSOCIATIONS, BANKS AND FINANCIAL INSTITUTIONS, BUSINESS ESTABLISHMENTS, CORPORATIONS, PRO-FESSIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE TOWN OF UPPER MARLBORO; ~~AND TO FURTHER PROVIDE FOR AN ANNUAL MUNICIPAL LIQUOR LICENSE FEE;~~ AND GENERALLY RELATING TO BUSINESS REGULATION AND LICENSURE.

WHEREAS, pursuant to LG Art., § 5-202 of the State Code and § 82-16(1) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § 82-16(2)(gg) of the Town Charter, the Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State and subject to any restrictions imposed by the public general laws of the State, the power to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter; and

WHEREAS, pursuant to § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code, a municipal corporation in Prince George's County may require any liquor license holder for any place of business situated in the municipal corporation to pay to that municipal corporation an additional annual license fee not exceeding 20 percent of the fee payable under the provisions of said Article; and

WHEREAS, the Board of Commissioners finds that the regulation of businesses located within the Town's corporate limits pursuant to this Ordinance is necessary for regulatory purposes in the interest of the health, welfare, safety or morals of the public.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact as follows:

Section 1. Purpose and Authority.

A. Purpose – The purpose of this Ordinance is to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Upper Marlboro ~~A further purpose of this Ordinance is to require any business owner or establishment who is a holder of a County liquor license to obtain a special supplemental municipal liquor license issued by the Town.~~

B. Authority – The authority to license business entities operating within the Town of Upper Marlboro and charge a fee is provided for in Section 82-16(2)(gg) of the Town of Upper Marlboro Charter and in Sections 5-204(e) and 5-205(d) of Md. Ann. Code, LG Article. ~~Furthermore, the authority to require any County liquor license holder for any place of business situated in Town to pay to the Town of Upper Marlboro an additional annual license fee is provided for in § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code.~~

Section 2. Business Licenses Required; ~~Liquor License~~

A. Business Licenses. No association, business entity, commercial or residential property management association, corporation, entity, industrial, institutional, rental, retail, or service business establishment, limited liability association, corporation or partnership, organization, person or professional association, corporation or partnership shall sell, offer for sale, or otherwise dispose of for any valuable consideration any goods or services or engage in the dispensation of professional services within the Town without first obtaining a business license for such purpose. Excepted are activities conducted by Town organizations for fund-raising, exclusively religious, charitable or educational fund-raising organizations, AND yard sales. ~~, and home-based businesses operating in compliance with municipal, county and state laws.~~

~~B. Municipal Liquor License. In addition to obtaining a business license, any place of business located in the Town that holds a liquor license issued by the Board of License Commissioners for Prince George's County shall be required to pay an annual fee to the Town equal to twenty (20) percent of the license or license renewal fee charged by the Board of License Commissioners for Prince George's County. This fee shall be due on or before July 1 of each calendar year. Upon receipt of the fee a Town Supplemental Liquor License will be issued.~~

Section 3. Multiple establishments.

A. If multiple businesses are conducted on any premises, lot or parcel within the Town, a separate license and fee shall be required for each separate business establishment, unit or use described herein or by resolution adopted pursuant to this Ordinance that is operated on any single premises, lot or parcel located within the Town.

B. If a business conducted on any premises is also conducted on any other premises within the Town, a separate license shall not be required for each branch or separate establishment, provided that warehouses and distribution facilities used in connection with a business are incidental to a business licensed under the provisions of this Ordinance and shall not be deemed to be separate places of business or branch establishments.

Section 4. BI-Annual Renewal of Licenses.

Business Licenses shall be valid for ~~one-year~~ TWO YEARS, from July 1 through June 30, and must be renewed annually. The Town shall notify all business establishments operating within the Town of the business license application requirement and fee in writing. An application not filed and/or fees not paid within 30 days from the date of the letter sent to the business establishment will be subject to a penalty of \$50.00 and will be subject to an additional penalty of \$25.00 for each month or partial month the business license application is not filed and/or fee is not paid after 60 days from the date of the letter sent to the business establishment. Any business establishment that fails to file an application or pay the business license fee may be reported to the Maryland Office of the Comptroller, Maryland State Department of Assessment & Taxation Personal Property Tax Division, and the Clerk of the Circuit Court in Prince George's County. A business license is not transferable to a new owner or operator of an existing business. Licenses granted for a period after December 31 will be prorated at one-half the scheduled rate.

Section 5. Fees.

A. The fee schedule for this Ordinance as it pertains to certain enumerated businesses shall be set from time to time by resolution of the Board of Town Commissioners.

B. The fee schedule shall become effective ~~December 31, 2018 for the business licensing year beginning July 1, 2019.~~ JULY 1, 2021.

Section 6. Business License Application.

A. Each business establishment subject to the provisions of this Ordinance shall file a Business License Application as part of the licensing procedure and shall provide on the application its Maryland State Department of Assessment & Taxation (SDAT) number and its Federal Employer Identification Number. Failure to provide this information shall be considered a violation of this Ordinance. ~~The holder of a liquor license shall file a copy of the issued liquor license of the Board of License Commissioners along with proof of payment of such license fees.~~

B. Each business establishment subject to the provisions of this Ordinance that owns the property from which the business is operated and fails to file a business license application and/or pay business and/or liquor license fees, fines or penalties imposed by this Ordinance shall result in the amount of any fee, fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

C. No application for a business ~~or municipal liquor license~~ will be approved for a business or activity which is in violation of the ordinances or laws of the Town, County or State or which is a nuisance or constitutes a danger to the welfare, health or safety of the Town or the public.

D. All business ~~or municipal liquor~~ licenses issued shall be subject to revocation by the Town if it is shown that the manner in which such business is conducted constitutes a nuisance to the public, or if such business is being conducted in violation of any law or ordinance, or if such business otherwise constitutes a danger to the public health, safety or welfare of the residents of the Town.

Section 7. Property Owner, Property Manager and/or Rental Agent Notification.

The property owner or duly authorized property manager or agent shall be required to notify the Town of the name, address, telephone number, and date a new tenant moves in or an existing tenant relocates to another location owned by the property owner or of the date when a tenant ceases to be a tenant. Failure of the property owner to provide this information within thirty (30) days of the event will be in default and subject to a reasonable penalty as provided in Section 9 of this Ordinance and failure to pay any fine or penalty imposed will result in the amount of any fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

Section 8. Violation; Enforcement.

A. Violation of any provision of this Ordinance shall be a municipal infraction. The penalty for a violation shall be \$50.00 for each initial offense and \$250.00 for each repeat offense. Failure to apply for a Town business license and pay the required fees within the specified time frame as indicated in this Ordinance shall constitute a violation. Such violation shall not be considered corrected until the required application is filed, and the proper fee paid. If an application has not been filed, nor the proper fees paid after the elapse of a 30-day period following the initial due date as stated in the letter of notification, this event shall constitute a separate offense. The Board of Town Commissioners shall have the authority to change the penalties of this Ordinance from time to time by resolution.

B. In addition to the other remedies or penalties provided herein, the Town may institute an action for injunctive, mandamus, or other appropriate action or proceedings to enforce the provision of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND AUTHORIZED THE TOWN ADMINISTRATOR AND DIRECTOR OF FINANCE TO UTILIZE TECHNOLOGY TO THE TOWN'S ADVANTAGE AND ESTABLISHING AN ONLINE DATABASE TO MANAGER THIS PROGRAM.

AND BE IT FURTHER ORDAINED AND ENACTED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND THAT THIS ORDINANCE SUPERCEED THE PREVIOUS ORDINANCE 2018-07.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Ordinance Timeline:

Board Discussion: Tuesday March 23rd, 2021 Regular Worksession

Introduction & Public Comment: Tuesday April 13th, 2021, Regular Town Meeting

Board Discussion: Tuesday April 27th, 2021 Regular Worksession

Public Comment & Board Approval: Tuesday May 11th, 2021 Regular Town Meeting

Effective Date: Monday June 1st, 2021

Town of Upper Marlboro

RESOLUTION: 2021-09

SESSION: Regular Town Meeting

DATE : April 13th, 2021

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO RESTRICT PARKING ON RECTORY LANE

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland under its Charter and as a municipal corporation duly empowered by state law to regulate parking,

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2016-02, as amended, to establish no parking zones from time to time by resolution,

WHEREAS, THE BOARD OF COMMISSIONERS HAS DETERMINED THAT there is a need to limit parking on Rectory Lane,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO both sides of Rectory Lane shall be considered a “No Parking Zone” from Wilson Lane to its intersection Old Marlboro Pike, MD Route 725

AND BE IT FURTHER RESOLVED that the Board shall install and maintain all signage necessary to alert motorists to this “No Parking Zone.”

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2021

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

M. David Williams
Clerk

Linda Pennoyer
President

Sarah Franklin
Commissioner

Effective Date: April 15th, 2021

Janice Duckett
Commissioner