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BOARD OF COUNTY COMMISSIONERS

November 7, 2017

Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES –OCTOBER 31, 2017
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:20 A.M. CITIZENS PARTICIPATION
- 10:30 A.M. BOARD OF EDUCATION – JOINT MEETING
Location: 100 West Washington Street, Suite 1113
- 10:35 A.M. PROCLAMATION TO DR. ALTIERI FOR EDUCATION SERVICE TO WASHINGTON COUNTY
- 10:45 A.M. PRESENTATION AND DISCUSSION OF THE PROPOSED 2018 LEGISLATIVE PROGRAM FOR THE WASHINGTON COUNTY BOARD OF EDUCATION – *Melissa Williams, Board President, Stan Stouffer, Board Vice President and members*
- 11:30 A.M. PRESENTATION TO BOARD OF COMMISSIONERS AND BOARD OF EDUCATION – B&D CONSULTING, INC. – *Amy Johnson, B&D Consulting*
- 12:00 P.M. CLOSED SESSION
(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider matters that concern the proposals for business or industrial organizations to locate, expand, or remain in the State; and to consult with counsel to obtain legal advice on a legal matter.)
- 12:55 P.M. RECONVENE IN OPEN SESSION
- 01:00 P.M. REVISED AND UPDATED POLICIES – *Stephanie Stone, Director, Division of Health and Human Services and Kendall McPeak, Assistant County Attorney*
- 01:20 P.M. IT RECLASSIFICATION / REORGANIZATION / REALIGNMENT OF DUTIES – *Ronald Whitt, IS Director*
- 01:25 P.M. ADJOURNMENT



Open Session Item

SUBJECT: Presentation and Discussion of the Proposed 2018 Legislative Program for the Washington County Board of Education

PRESENTATION DATE: November 7, 2017

PRESENTATION BY: Mrs. Melissa Williams, Board President
Mr. Stan Stouffer, Board Vice President
Mr. Pieter Bickford, Board Member
Mrs. Jacqueline Fischer, Board Member
Mr. Michael Guessford, Board Member
Mrs. Linda Murray, Board Member
Mr. Wayne Ridenour, Board Member

RECOMMENDED MOTION: None

REPORT-IN-BRIEF: The Board of Education will present the Washington County Board of Education's 2018 Legislative Program: Core Values, Legislative Priorities, and Watch List for discussion with the Commissioners.

DISCUSSION: Board of Education Policy BJ provides that the Board of Education is to discuss its legislative program on an annual basis. The Board is also to establish its legislative priorities for state and federal legislation.

The Board of Education conducted a public work session on October 17, 2017, to discuss its core values, legislative priorities, and initiatives for the 2018 Maryland Legislative Session. The Board concurred at the work session to discussion three (3) of its proposed local initiatives with the Board of County Commissioners in order to seek the Commissioners' comments regarding the initiatives. Those initiatives are as follows:

- 1) Repeal of Public Local Law – Advisory School Design Review Committee;
- 2) An Annual Increase in the Maintenance of Effort Based Upon the Consumer Price Index; and
- 3) Automated Speed Enforcement – Dedication of Funds for School Resource Officers.

FISCAL IMPACT:

- 1) Repeal of Public Local Law – Advisory School Design Review Committee

It is estimated that the repeal of this law would result in a cost savings of \$25,000 for every project. This cost reflects the time expended by architects, construction managers, school system staff, and County staff. The elimination of this law would increase the efficiency of the design process.

2) An Annual Increase in the Maintenance of Effort Based Upon the Consumer Price Index

In Fiscal Year 2017, the County Commissioners contributed \$94,844,030 towards the Maintenance of Effort (MOE). By way of example, if the consumer price index had increased by 1% in Fiscal Year 2017, under the legislation now being proposed, the Commissioners would have allocated an additional \$948,440.30 to support the education of students in Washington County.

3) Automated Speed Enforcement – Dedication of Funds for School Resource Officers

The Board of Education is currently expending \$700,000 to cover the cost of school resource officers. Automated speed enforcement devices may only be located in school zones. It would be beneficial to dedicate revenue from the speed enforcement devices to defray the cost of school resource officers.

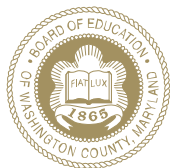
CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS:

- 1) Proposed *Washington County Board of Education 2018 Legislative Program, Core Values, Legislative Priorities, and Watch List*;
- 2) *Washington County Board of Education 2018 Legislative Program Work Session Conducted on October 17, 2017, Executive Summary*; and
- 3) *Washington County Board of Education 2018 Maryland Legislative Session Calendar*

AUDIO/VISUAL NEEDS: None



**Washington County Board of Education
2018 Legislative Program**

CORE VALUES, LEGISLATIVE PRIORITIES, AND WATCH LIST

A. Adequate and Equitable Local and State Funding

➤ **Equity in Funding:**

The Board of Education of Washington County supports restoring the inflation factor and adjusting funding formulae that take into account the percentage of students who qualify for Free and Reduced-Price Meals (FARMs), the needs of special education students, transportation costs, the age of schools, and the wealth of the local county. If the inflation factor formula was still in place, it is projected that an additional \$176,730,401 million in state funding would have been available to the students of Washington County over the last ten (10) fiscal years.

➤ **Increased Funding for Prekindergarten Education:**

The Board of Education of Washington County supports a per pupil funding allocation for students attending prekindergarten, including a 0.5 FTE for half-day students and a 1.0 FTE for full-day students, without any reduction in compensatory education funding. In the event a decision is made to mandate prekindergarten, adequate funding for the educational program and funds for capital improvement will be needed.

Washington County Public Schools has been the recipient of federal and state grant funds that have been used to expand the prekindergarten and kindergarten program. The funds have allowed school officials to increase student participation, extend some programs from a half day to a full day, and to expand the program to additional school facilities.

➤ **Maintenance of Effort:**

The Board of Education of Washington County supports the current maintenance of effort law enacted in 2012. Any attempt to reduce the level of school funding should be opposed.

➤ **Adequate State Funding to Improve School Buildings and to Create Capacity:**

Washington County Public Schools has forty-six (46) schools to serve the needs of approximately 22,000 students. The need for new school construction and the repair and modernization of aging facilities is particularly acute in Washington County. Concurrent, adequate state funding, through equitable, effective formulae, will supplement the local contribution that is needed to address these needs. The Board of Education of Washington County supports the allocation of at least \$350 million in state funding for school construction and the improvement of school facilities.

B. Local Control

➤ Continued Governance Authority for Local Boards of Education to Set Educational Policy and School Budgets:

The Board of Education of Washington County supports continued autonomy for all local boards of education to adopt education policies that promote high standards for academic and fiscal accountability. Students are best served by having an independent local board of education that is engaged with its superintendent and the school community to discuss and to debate important issues that directly impact the quality of education. The widely recognized success of Maryland schools is a testament to the effectiveness of this governance model. The Washington County Board of Education opposes any legislation or regulatory initiatives which would have the effect of reducing local board governance or budgetary authority.

➤ Charter Schools:

Local boards of education must retain the sole authority to grant charters and to administer funding to charter schools.

➤ Voucher Programs:

Any expansion of the current voucher programs (textbooks, capital funding) should be opposed.

C. Mandates Should be Limited and Fully Funded by the State

Legislative Mandates Should be Limited and Fully-Funded by the State:

The Board of Education of Washington County opposes new mandates. We urge the legislature to carefully consider the financial and the policy implications of any new mandates. We recommend that any new legislative mandates be coupled with mandated full-funding from the state.

LOCAL INNOVATIVE INITIATIVES

The Board of Education of Washington County will pursue the following initiative during the 2018 legislative session:

- Support the Urban Improvement Project partnership, which is comprised of Washington County Delegation, Board of County Commissioners of Washington County, City of Hagerstown, Washington County Board of Education, University System of Maryland at Hagerstown, and Maryland Theatre in their efforts to obtain state funding.¹
- Amend the Student Safety and Support Act – “Reportable Offense Law”

¹ Urban Improvement Project, a Sustainable Community Project

The Board of County Commissioners of Washington County, in partnership with the City of Hagerstown, Washington County Board of Education, Maryland Theatre, and University System of Maryland at Hagerstown, is supporting several key projects that tie into the revitalization of the urban core. The components of the Urban Improvement Project are as follows:

- Expansion and renovation of the Maryland Theatre in the Downtown Arts & Entertainment District
- Urban educational complex expansion
 - Urban Educational Campus – BOE Component
 - Urban Educational Campus – USMH Component
 - Plaza improvements

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- Repeal of Special Law Governing the Term of Office for the Superintendent of Schools for Washington County
- Amend the Fairness in Negotiations Act to Reduce the Cost of the Impasse (state-wide initiative) and to Allow for an Orderly Budget Planning Process (local initiative)
- Repeal of Public Local Law – Advisory School Design Review Committee (must consult with County Commissioners)
- An Annual Increase in the Maintenance of Effort Based Upon the Consumer Price Index (must consult with County Commissioners)
- Automated Speed Enforcement – Dedication of Funds for School Resource Officers (must consult with County Commissioners)

Executive summaries of the initiatives are attached.

2018 LEGISLATIVE WATCH LIST

- **Contest Any Further Increases in the Transfer of Pension Costs:**
During the 2012 legislative session, a law was enacted which provided for the transfer of pension costs from the state government to the local governments. Any legislative effort to pass any new or additional costs of this nature to the local governments should be opposed. There is a concern that any further transfer of such costs will further hamper the ability of local governments to fully fund the maintenance of effort.

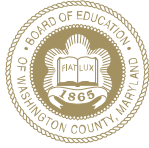
The law that was enacted in 2012 fixed the amount that a local government would be required to contribute for pension costs. The local government's contribution was based upon projections developed in 2012. It is now clear that the 2012 projections underestimated the actual cost by at least 1%. Retirement burdens should be separate from the instruction budget.

- **Free and Appropriate Education – Burden of Proof:**
In 2017, House Bill 1240 was passed that requires the Maryland State Department of Education to retain a consultant to study the Individualized Education Plan process in the state. In due process hearings the burden of proof rests with the parent. In the event a decision is made to change this long-standing practice it will increase the cost of such hearings to the local boards of education. More importantly, teachers will be required to redirect valuable instructional time away from students and instead be focused on satisfying new legal mandates that the Supreme Court has already determined are not required.
- **Public School Labor Relations Board**
Any effort to expand the authority or power of the Public School Labor Relations Board should be opposed.

Notations

It is the practice of the Superintendent of Schools and staff to monitor legislation introduced during the session and to alert members of the Board of Education and the Delegation of matters that require attention and action.

Some of the information and comments that appear in this report are based upon information provided by the Maryland Association of Boards of Education.



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

Legislative Program

2018 Legislative Session

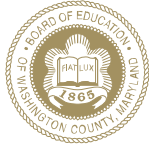
Local Initiative

*Amend the Student Safety and Support Act – “Reportable
Offense Law”*

In 1995, a new law entitled the “Student Safety and Support Act,” was enacted. The law is referred to as the “reportable offense law.” The reportable offense law authorizes law enforcement agencies to share confidential information concerning a student with school officials so they may plan for a student’s education and maintain safety in the school environment (the “Education Plan”).

The reportable offense law authorizes the local superintendent or school principal to transmit arrest information as a confidential file to the local superintendent of another public school system in the State. The reportable offense law does not mandate this transmittal. School staff that prepare the Education Plan for students are recommending that the sending school system be required to transmit this information to the school system receiving the student. This information is critical in developing a plan that will ensure that the student is placed in the most appropriate educational setting, benefit from all available resources, and achieve academic and personal success and graduation. In addition, the information will assist in maintaining school safety throughout the system.

School staff is also recommending that group homes that are entrusted with the care and custody of a student placed by an agency (the Department of Juvenile Services or the Department of Social Services) be required to share this reportable offense information with local superintendent and/or school principal of the school where enrollment of the student is requested.



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

Legislative Program

2018 Legislative Session

Local Initiative

*Repeal of Special Law Governing the Term of Office for the
Superintendent of Schools for Washington County*

Maryland law sets forth specific provisions regarding a superintendent's term of office.
(Section 4-201 of the Education Article, *Annotated Code of Maryland*)

In 2015, the Washington County Board of Education requested the Washington County Delegation to the Maryland General Assembly to support legislation that exempted the position of Superintendent of Schools in Washington County from certain timeline requirements in Maryland law.

The Board of Education is requesting the Delegation to repeal the exemptions that apply to the position of Superintendent of Schools in Washington County.



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

Legislative Program
2018 Legislative Session
Initiative

*Amend the Fairness in Negotiations Act to Reduce the Cost of
the Impasse Process (state-wide initiative) and to Allow for an
Orderly Budget Planning Process (local initiative)*

Prior to 2010, in the event a public school employer (board of education) and employee organization were unable to come to terms on the provisions of their collective bargaining agreement, the legal dispute was submitted to the Maryland State Board of Education for adjudication. The cost to adjudicate the dispute was minimal.

The Cost of Mediators
(state-wide initiative)

With the passage of the Fairness in Negotiations Act (FINA) in 2010, all such legal disputes are now referred to a five (5) member panel known as the Public School Labor Relations Board (PSLRB) for adjudication. At the initial stage of the legal dispute, which is referred to as “an impasse,” the public school employer and employee organization must agree on the selection of a mediator, the cost of which is shared equally between the parties. With the passage of the FINA, the cost to adjudicate these disputes has increased. The cost of the services of a mediator is significant.

It is recommended that to minimize the cost of such disputes for the employer and the employee organization that the PSLRB establish a panel of approved mediators and further, that the PSLRB assume the financial responsibility of providing this service. The FINA should be amended to address this concern.

Amend the Law to Allow for an Orderly Budget Process

Local boards of education in Maryland are financially dependent upon the State of Maryland and the local government to provide funding to support the education program for students. Section 5-102(b) of the Education Article of the *Annotated Code of Maryland* requires a local board of education to submit its annual budget to the local government by a certain date. Section 5-102(b) states as follows:

- (b) *Submission.* – (1) Each county board shall submit an annual school budget in writing to the county commissioners, county council, or the county executive.
- (2) The budget shall be submitted not less than 45 days before the date for levying local taxes or on an earlier date on or after March 1 as may be required by the county fiscal authority.

Local government is constantly adjusting its budget to meet the many needs of its citizens. Besides funding the cost of education, it must also provide for the public safety and health of its citizens along with making necessary public improvements while at the same time providing wages and benefits to its employees who serve the needs of the community. Both the local government and local board of education, in order to discharge their fiduciary duties, must have sufficient time to carefully study and to consider how the limited financial resources that are available are to be allocated. The public must also be afforded an opportunity to comment on the budget that is being developed by the local government and board of education.

A close examination of the timelines set forth in the FINA reveals that the timelines associated with the collective bargaining and impasse process do not, in any way, align with the stringent budget timelines a local board of education or a local government must meet.

The FINA law must be amended to align the collective bargaining and impasse process with the budget deadlines set forth in Section 5-102(b). Prince George's Community College (PGCC) has already taken the initiative to pursue such an alignment.

Section 16-414.1(g), which concerns PGCC's collective bargaining process, states as follows:

- (g) Conclusion of negotiations prior to budget submission date. – In the course of collective bargaining, the public employer and the exclusive representative shall make every reasonable effort to conclude negotiations prior to the budget

submission date of the public employer, in order that the governing body of Prince George's County may act on the operating budget of the public employer.

In order to foster an orderly budget process, the FINA should be amended to require that the collective bargaining process is to be concluded prior to the date that a local board is required to submit its budget to the local governing body. The above language could be further enhanced by imposing an affirmative obligation on both parties to submit proposals that have financial implications, in writing, at least 15 days prior to the date the Board of Education must submit its budget to its governing body (Board of County Commissioners of Washington County).

It is not practical, fair, or efficient to request a local governing body, after it has adopted its budget for the fiscal year, to allocate additional funds to cover the new costs associated with the collective bargaining process that is concluded after the adoption of the budget.



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

Legislative Program

2018 Legislative Session

Local Initiative

*Repeal of Public Local Law – Advisory School Design Review
Committee*

In 2005, at a time when the Board of County Commissioners of Washington County's contribution level was 35% of the cost of school capital improvement projects, a new committee was established, which is known as the Advisory School Design Review Committee (ASDRC).¹ The ASDRC, in consultation with the Board of Education's staff and architect, review all construction plans for school capital improvement projects that exceed \$2 million.

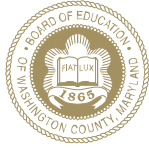
Several years ago, the law was modified and the State of Maryland now provides 71% of the funding for capital projects if matching funds are identified by the local government or local board of education. The County Commissioners share of the cost of a school capital improvement project is now only 29%.

No other board of education in Maryland is required to submit its construction plans to such a committee. The review process results in additional costs (architect prepares for the meetings, attendance at the meetings) to the proposed project. There is also a concern that citizens who are appointed by the local government to serve on the ASDRC on a volunteer basis are not foreclosed from bidding on a project that is reviewed by the ASDRC.

In order to improve efficiency and to reduce the cost of such reviews, the public local law that established the Advisory School Design Review Committee should be repealed.

¹ The State of Maryland provided 65% of the cost of a school improvement project.

The County Commissioners should be consulted and requested to join in the effort to repeal this law.



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

Legislative Program

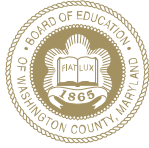
2018 Legislative Session

Local Initiative

*An Annual Increase in the Maintenance of Effort Based Upon
the Consumer Price Index*

Every local government is required by Maryland law to provide a minimum level of funding to support the education of public school students. This funding requirement is known as the Maintenance of Effort or “MOE.”

It is being proposed that legislation be introduced that applies only to Washington County that after the required MOE contribution is determined, the local government’s contribution should be increased on an annual basis, by a certain percentage, based upon the increase in the Consumer Price Index (CPI).



Washington County
**BOARD OF
EDUCATION**

**For discussion purposes at the public work
session on October 17, 2017**

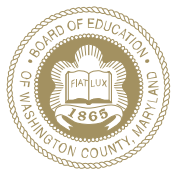
Legislative Program

2018 Legislative Session

Local Initiative

*Automated Speed Enforcement – Dedication of Funds for School
Resource Officers*

Maryland law authorizes the installation of automated speed enforcement (ASE) systems in school zones. It is being proposed that a portion of the revenue generated by this program be dedicated by the local government to cover the cost the Board of Education of Washington County incurs to provide school resource officers (SRO). The current cost to the Board of Education to provide this service to students, school staff, and visitors to school facilities and events is \$700,000.



Washington County Board of Education
2018 Legislative Program Work Session Conducted on October 17, 2017
Executive Summary¹

Core Values

- Adequate and Equitable Local and State Funding
- Local Control
- Mandates Should be Limited and Fully Funded by the State

Legislative Priorities

- Advocate for equity in funding (Kirwan Commission²)
- Support increased funding for prekindergarten education
- Support the current maintenance of effort law
- Seek adequate state funding to improve school buildings and to create capacity (Knott Commission³)
- Oppose legislation which has the effect of reducing local governance or impeding budgetary authority

Legislative Initiatives

- Support the Urban Improvement Project partnership, which is comprised of Washington County Delegation, Board of County Commissioners of Washington County, City of Hagerstown, Washington County Board of Education, University System of Maryland at Hagerstown, and Maryland Theatre in their efforts to obtain state funding⁴
- Amend the Student Safety and Support Act – “Reportable Offense Law”
- Repeal of Special Law Governing the Term of Office for the Superintendent of Schools for Washington County

¹ During the Board of Education’s public business meeting on November 21, 2017, the Board is scheduled to adopt its core values, legislative priorities, and legislative initiatives. It will also consider establishing its Legislative Response Team membership and the appointment of its Legislative Representative.

² Commission on Innovation and Excellence in Education (also known as the “Kirwan Commission”)

- During the 2016 legislative session, landmark legislation created a blue ribbon commission known as the Commission on Innovation and Excellence in Education, to study the adequacy of education funding and to offer legislative proposals.
- The Commission has just announced (October 25, 2017) that it will delay the issuance of its final report that was due on December 21, 2017, until June of 2018.

³ 21st Century School Facilities Commission (also known as the “Knott Commission”)

- This Commission was established to student “existing educational specifications for school construction projects and to evaluate whether those specifications apply to the needs of 21st century schools. The Commission will review the findings of the 2004 Task Force to Study Public School Facilities.
- A “decision meeting” has been scheduled by the Commission for December 14, 2017.

⁴ Urban Improvement Project, a Sustainable Community Project

The Board of County Commissioners of Washington County, in partnership with the City of Hagerstown, Washington County Board of Education, Maryland Theatre, and University System of Maryland at Hagerstown, is supporting several key projects that tie into the revitalization of the urban core. The components of the Urban Improvement Project are as follows:

- Expansion and renovation of the Maryland Theatre in the Downtown Arts & Entertainment District
- Urban educational complex expansion
 - Urban Educational Campus – BOE Component
 - Urban Educational Campus – USMH Component
 - Plaza improvements

- Amend the Fairness in Negotiations Act to Reduce the Cost of the Impasse (state-wide initiative) and to Allow for an Orderly Budget Planning Process (local initiative)
- Repeal of Public Local Law – Advisory School Design Review Committee (must consult with County Commissioners)
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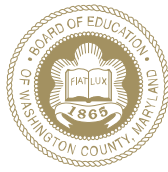
Legislative Response Team⁵

- Mrs. Melissa Williams, Board President
- Mr. Stan Stouffer, Board Vice President
- Mrs. Linda Murray, Board Member
- Dr. Boyd Michael, III, Superintendent
- Mr. Anthony Trotta, Chief Legal Counsel
- Mrs. Ardath Cade, Legislative Representative

Legislative Representative

Mrs. Ardath Cade

⁵ The composition of the Legislative Response Team will be reevaluated after the Board of Education's reorganization meeting scheduled for December 5, 2017.



Washington County Board of Education 2018 Maryland Legislative Session Calendar

Action Items	Schedule/Completion Date
Board of Education public Work Session on 2018 legislative priorities, core values, local initiatives, and the consideration of Legislative Response Team members and the Legislative Representative	October 17, 2017
Meeting with Board of County Commissioners of Washington County to share the 2018 legislative priorities, core values, local initiatives	November 7, 2017, 10:30 a.m. 100 W. Washington St.
Adoption of 2018 legislative priorities, core values, local initiatives, and the establishment of the Legislative Response Team and the Legislative Representative at public Business Meeting	November 7, 2017
Meeting with Washington County Delegation to the Maryland General Assembly – 2018 Legislative Program	December 5, 2017 9:30 – 10:30 – UIP; 11:00 – 11:30 – BOE Hager Hall
First day of 2017 Legislative Session	January 10, 2018
Legislative report provided by the Legislative Representative at Board of Education public Business Meeting, and, if necessary, report on positions taken on legislative proposals per Policy BJ	TBD
Legislative report by Legislative Response Team at Board of Education public Business Meeting, if necessary, to report on positions taken on legislative proposals per Policy BJ	TBD
Washington County Lobbying Coalition’s Day in Annapolis	January 31, 2018
Governor’s State of the State Address	TBD
Washington County Board of Education’s Day in Annapolis	February 20, 2017
MABE’s Annual Legislative Day Luncheon	February 20, 2017
Washington County Delegation Meeting (time and room TBD)	February 20, 2017*
Final Date for Introduction of Bills Without Suspension of Rules	March 5, 2018
Last day of 2018 Legislative Session	April 9, 2018
Final legislative report provided by Legislative Representative and Legislative Response Team at Board of Education public Business Meeting	May 1, 2018

MABE’s Legislative Committee meeting schedule: September 18, October 16 (guest speaker: Dr. William (Brit) Kirwan), November 13 (legislative positions and priorities), December 18 (2018 session forecast), January 22, February 12 and 26, March 12 and 26, April 23

*Tentative – must confirm with Delegation

This calendar is current as of: October 31, 2017



Open Session Item

SUBJECT: Revised and Updated Policies

PRESENTATION DATE: November 7, 2017

PRESENTATION BY: Stephanie Stone, Director of Health and Human Services
Kendall McPeak, Assistant County Attorney

RECOMMENDED MOTION: To approve the Policies (EB, PR, RMS) under the purview of the Health and Human Services Department which have been provided to the Commissioners.

REPORT-IN-BRIEF: The Division of Health and Human Services has been working with the County Attorney's Office to update and revise policies. These revised policies must then be approved and accepted by the Board of County Commissioners. Revised and reviewed policies will allow the department to create an updated employee handbook for all current and new employees. Since last week's presentation and per request of Commissioners, several policies have been updated. They include:

PR-13 Anti-Harassment and Complaint Procedure
PR-21 Violence in the Workplace
PR-26 Whistleblower Policy
PR-34 Leave Policy
PR-36 Tobacco Free Campus
PR-37 Anti-Discrimination and Complaint Procedure
PR-39 Cell phone Use During Board Meetings

DISCUSSION: The Human Resources staff has worked to revise Employee Benefit (EB), Personnel (PR) and Risk Management/Safety (RMS) policies. As policies have been updated, staff has been working with the Kendall McPeak, Assistant County Attorney for their office's input. Some policies have been updated and/or consolidated, and others address County, State and Federal regulations that may have changed over time. Some policies may not have changed at all, but with new administration and the upcoming upgrade to the Oracle Cloud by the end of the year, it is time to bring all policies for your information and discussion. Attached you will find the list of all policies requiring Commissioner approval with an explanation of changes which have been made to previous policies.

All but three policies were provided to the Commissioners in notebook form on October 17, 2017. Three additional completed policies were provided to the Commissioners on October 24, 2017 so that all policies under the purview of the Health and Human Services Department will have the most up to date commissioner approval. With these policies approved, this will allow HR to provide an updated employee handbook by the end of the year for your review. In

addition to the updates, we will have the capabilities to post all policies and the updated handbook on our website this year accessible to all staff.

FISCAL IMPACT: None

CONCURRENCES: County Attorney, County Administrator

ALTERNATIVES: Allow policies to stand as written

ATTACHMENTS: Health and Human Services Policies spreadsheet. Policies with changes:
PR-13 Anti-Harassment and Complaint Procedure
PR-21 Violence in the Workplace
PR-26 Whistleblower Policy
PR-34 Leave Policy
PR-36 Tobacco Free Campus
PR-37 Anti-Discrimination and Complaint Procedure
PR-39 Cell phone Use During Board Meetings

AUDIO/VISUAL NEEDS: N/A

SUMMARY – HEALTH AND HUMAN SERVICES POLICIES

New Policies to be Adopted

EB-15 Insurance/Benefit Credit
 New policy establishing guidelines for offering optional pro-rated health insurance benefit credits to employees who choose not to carry benefits on self or eligible dependents and limiting eligibility to one employee when two employees are covered under County benefits

PR-31 Americans with Disabilities Act (ADA)
 New policy required to comply with applicable federal and State laws

PR-34 Leave
 New policy consolidating provisions pertaining to types of leave including vacation, personal, sick, family sick, annual physical, bereavement, workers' compensation, and administrative (with and without pay); policy consolidates EB-3 Holidays, EB-8 Employee Personal Days, EB-9 Employee Sick Leave Incentive, and EB-13 Annual Physical Benefit

PR-35 Confidentiality
 New policy preventing the unauthorized disclosure of confidential information discussed, presented, or disclosed in any form or fashion in any Board or other County meeting where personal employee information is available or discussed

PR-36 Tobacco Free Campus
 New policy establishing all property owned, leased, occupied, or operated by County as tobacco-free and directing appropriate personnel that they may designate tobacco use areas with approval of the Director of Public Works; adds Ag Center as exempt from the tobacco-free campus

PR-37 Anti-Discrimination and Complaint Procedure
 New policy establishing guidelines for the County's compliance with all applicable federal and State discrimination laws and regulations; includes discrimination provisions formerly contained in PR-13 which addressed harassment and discrimination in one policy; establishes steps in complaint procedure and identifies receiver of initial complaints

PR-38 Use of Social Media
 New policy establishing guidelines to assist County employees with understanding the risks and responsibilities of using social media and making responsible decisions regarding appropriate use of social media

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PR-39 Cell Phone Use During Board Meetings and Proceedings

New policy prohibiting employees' (as defined in policy) use of cell phones in all open and closed meetings and proceedings conducted by and before the Board, with express exceptions for use of cell phones to take photos and check business- and emergency-related electronic communications.

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Policies with Substantive Changes

EB-5 COBRA

Policy revamped to be County-specific and in compliance with current rules and regulations

EB-12 House Keys Program

Policy revised to add provisions limiting program to one purchaser when there are two or more purchasers, expressly setting County's maximum contribution of \$5,000, and requiring all purchasers to sign County's loan documents

PR-5 Alcohol Use and Substance Use Testing

Policy revised to include provisions for second test after negative dilute test result in pre-employment testing, retrieval of County belongings from suspended employees following reasonable suspicion testing, and employee payment for independent testing prior to original testing laboratory sending sample to independent laboratory

PR-13 Anti-Harassment and Complaint

Policy revised to separate topics of harassment and discrimination into two policies with discrimination addressed in new Policy No. PR-34; policy revised to incorporate investigative counsel's recommendations for narrowing and focusing harassment policy; policy revised to include provisions pertaining to dating and consensual romantic or sexual relationships in the workplace; establishes steps in complaint procedure and identifies receiver of initial complaints.

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PR-16 Inclement Weather

Policy revised to update media outlets and sources of inclement weather announcements

PR-21 Violence in the Workplace

Establishes complaint procedure generally and identifies receiver of initial complaints.

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PR-24 Hiring Process

Policy revised to consolidate PR-1 Criminal Background Checks, PR-4 Exams, PR-7 Employment of Family Members, PR-14 Employee Residency Requirement, and PR-28 Job Posting Policy and Procedure

PR-25 Use of Official Cars and Equipment Policy revised to include provisions requiring drug testing after 30-day leave per DOT and FAA regulations, prohibiting transport of personal passengers in County vehicles, and updating distracted driving provisions to accord with current law

PR-26 Whistleblower Policy Clarifies complaint procedure generally and identifies receiver of initial complaints.

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PR-27 Employee Dress Code Policy revised to accord with current practice regarding casual day attire

Policies to be Abolished

- EB-2 Workers' Compensation Consolidated in RMS-1 Risk Management/Safety
- EB-3 Holidays Consolidated in PR-34 Leave
- EB-6 Retirement – Buy Back Program does not exist
- EB-7 Employee Incentive Program Program does not exist
- EB-8 Employee Personal Days Consolidated in PR-34 Leave
- EB-9 Employee Sick Leave Incentive Consolidated in PR-34 Leave
- EB-10 Advanced Vacation Pay Program does not exist
- EB-13 Annual Physical Benefit Consolidated in PR-34 Leave
- PR-1 Criminal Background Checks Consolidated in PR-24 Hiring
- PR-3 Employment Continuation Beyond Normal Retirement Age Program does not exist
- PR-4 Exams Consolidated in PR-24 Hiring
- PR-6 AIDS Policy Program does not exist
- PR-7 Employment of Family Members Consolidated in PR-24 Hiring
- PR-8 Compensatory Time Program does not exist
- PR-14 Employee Residency Requirement Consolidated in PR-24 Hiring
- PR-20 Internet Use Contents already addressed in IT policy

PR-23 HOTSPOTS Mentoring Program Program does not exist
PR-28 Job Posting Policy and Procedure Consolidated in PR-24 Hiring

Policies to be Affirmed with No Substantive Changes

EB-1 Tuition Reimbursement Program
EB-4 Short-Term Disability
EB-14 Employee Assistance Program (EAP)
PR-2 Progressive Discipline and Dismissal
PR-5A Alcohol-Free and Drug-Free Workplace
PR-5B Transit Department Alcohol Misuse and Prohibited Drug Use
PR-9 County Employees as Reservists or Active Duty Military Personnel
PR-10 Guidelines for the Temporary Upgrade of Employees
PR-11 Guidelines for Reduction of County Workforce
PR-12 County Employees as Active Volunteer Fire or Rescue Personnel
PR-15 Family and Medical Leave
PR-17 Modified Duty Procedure

PR-22 Boards and Commissions

PR-30 Employee Sick Leave Bank

PR-32 Reasonable Accommodation Due to Pregnancy
PR-33 Service Animals
RMS-1 Risk Management/Safety Program

Policies to be Reviewed Following Salary Study

PR-18 Wage and Salary Classification Program
PR-19 Performance Management System

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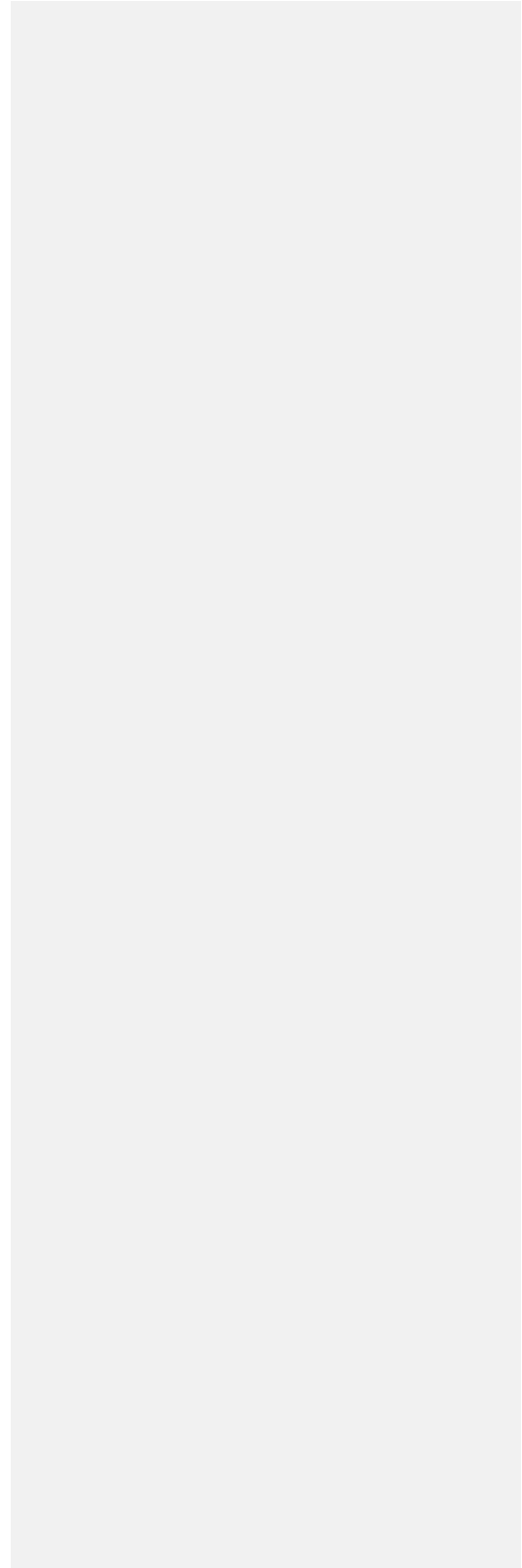
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PR-29 Compensation Reclassification





POLICY TITLE: **Anti-Harassment and Complaint Procedure
(includes Dating/Consensual Relationship Provision)**

POLICY NO.: **PR-13**

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I. PURPOSE

The purpose of this Policy is to establish formal guidelines to ensure that County employees, potential employees, and volunteers of Washington County may work in an environment free from Harassment, intimidation, humiliation, insult, or subjection to offensive physical or verbal abuse or actions of a harassing nature.

II. GENERAL POLICY

The Board of County Commissioners strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the County should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe, yet stimulating, atmosphere. The accomplishment of this goal is essential to the County's mission. For that reason, the Board of County Commissioners will not tolerate unlawful Harassment of any kind. Through enforcement of this Policy, and by education of Employees, the County will seek to prevent, correct, and discipline behavior that violates this Policy.

III. SCOPE

This Policy applies to all Employees as defined herein.

IV. DEFINITIONS AND PROHIBITED CONDUCT

The Board of County Commissioners, in compliance with all applicable federal, State, and local Harassment laws and regulations, enforces this Policy in accordance with the following definitions and guidelines:

A. Definition of "Employee" or "Employees"

For purposes of this Policy, "Employee" or "Employees" means elected and appointed officials, department heads, division directors, all full- and part-time employees, board and commission members, and unpaid volunteers.

B. The Board of County Commissioners prohibits Harassment of any kind, including Sexual Harassment as defined herein, and will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy.

C. Harassment

1. Harassment is a form of unlawful employment discrimination that potentially violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA).
2. For purposes of this Policy, “Harassment” is defined as any verbal or physical conduct designed to threaten, intimidate, or coerce an Employee, co-worker, or any person working for or on behalf of the County. Verbal taunting (including racial and ethnic slurs) that, in the Employee’s opinion, impairs his or her ability to perform his or her job is included in this definition of Harassment. Harassment may be based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information.
3. Harassment becomes unlawful where (i) enduring the offensive conduct becomes a condition of continued employment or (ii) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
4. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
5. Harassment may be inflicted by the victim’s supervisor, a supervisor in another area, an agent of the County, a co-worker, or a non-employee. The victim does not have to be the person who is the object of the Harassment, but can be anyone affected by the offensive conduct. Unlawful Harassment may occur without economic injury to, or discharge of, the victim.
6. The following examples of Harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Policy:
 - a. Verbal Harassment includes comments that are offensive or unwelcome regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, or appearance, including epithets, slurs, and negative stereotyping.
 - b. Nonverbal Harassment includes distribution, display, or discussion of any written or graphic material that ridicules,

denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, and marital or other protected status.

D. Sexual Harassment

1. Sexual Harassment is a form of unlawful employment discrimination and is prohibited under this Policy.
2. According to the Equal Employment Opportunity Commission (EEOC), Sexual Harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when...submission to or rejection of such conduct is used as the basis for employment decisions...or such conduct has the purpose or effect of...creating an intimidating, hostile, or offensive working environment.” For purposes of this Policy, the definition of Sexual Harassment is as defined by the EEOC.
3. Two Types of Sexual Harassment
 - a. Quid Pro Quo Sexual Harassment

Quid Pro Quo Sexual Harassment occurs where submission to Sexual Harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in Quid Pro Quo Sexual Harassment.
 - b. Hostile Work Environment Sexual Harassment

Hostile Work Environment Sexual Harassment occurs where the Sexual Harassment creates an offensive and unpleasant working environment. A Hostile Work Environment can be created by anyone in the work environment, whether it be supervisors, other Employees, or customers. Hostile Work Environment Sexual Harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Texts, emails, cartoons, or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.
4. Sexual Harassment occurs when unsolicited and unwelcome sexual

advances, requests for favors, or other verbal or physical conduct of a sexual nature is explicitly or implicitly made a term or condition of employment; is used as a basis for an employment decision; or unreasonably interferes with an Employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.

5. Sexual Harassment may take different forms. The following examples of Sexual Harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Policy:
 - a. Verbal Sexual Harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of Harassment, including that which is sexual in nature and unwelcome.
 - b. Nonverbal Sexual Harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, tweets, and internet postings; or other form of communication that is sexual in nature and offensive.
 - c. Physical Sexual Harassment includes unwelcome, unwanted physical contact such as touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.
6. Courteous, mutually respectful, pleasant, non-coercive interactions between Employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties, are not considered to be Harassment, including Sexual Harassment.

E. Retaliation

1. No hardship, loss, benefit, or penalty may be imposed on an Employee in response to filing or responding to a bona fide complaint of Harassment or Sexual Harassment, appearing as a witness in the investigation of a complaint, or serving as an investigator of a complaint.

- 2. Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this Policy. Any person who is found to have violated this aspect of the Policy will be subject to discipline up to and including termination of employment.

F. Dating and Consensual Romantic or Sexual Relationships

The Board of County Commissioners strongly discourages romantic or sexual relationships between a manager or other supervisory Employee and his or her staff (i.e., an Employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such relationships may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff Employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or that other actions may be taken in accordance with County policy.

- 1. If an Employee enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff who reports directly or indirectly to him or her, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must immediately notify the Director of Health and Human Services. Because of potential issues regarding Quid Pro Quo Sexual Harassment, this reporting is mandatory. This reporting requirement does not apply to Employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over each other.
- 2. Upon receipt of notification of such a relationship, the Director of Health and Human Services will review the facts and circumstances (i.e., reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and determine whether one or both parties need to be moved to other jobs or departments. If the Director of Health and Human Services determines that one party must be moved, and there are jobs in other departments available for

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both, the parties may decide which one of them will apply for a new position. If the parties cannot or fail to reach a decision in a given time period, or if the applying party is not chosen for the position to which he or she applied, the parties will contact the Director of Health and Human Services who will recommend to the County Administrator which party should be moved to another job or department. The Director of Health and Human Services' decision will be based on which Employee's move will be least disruptive to County operations as a whole. If the Director of Health and Human Services determines that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

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G. Complaint Procedure

1. The Board of County Commissioners will courteously treat any person who invokes the complaint procedure under this Policy. The County will handle all complaints swiftly and confidentially, to the greatest extent permitted by applicable law, in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against an Employee or have an adverse impact on the Employee's employment status. Because of the damaging nature of Harassment, including Sexual Harassment, to victims and the entire workforce, aggrieved Employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this Policy and will be treated as a violation thereof.
2. The Board of County Commissioners has established the following procedure for lodging a complaint of Harassment, including Sexual Harassment, or retaliation. The County will treat all aspects of the complaint procedure in accordance with the confidentiality provisions of this Policy.
 - a. An individual may initiate the complaint procedure under this Policy by filing a complaint in writing with the County Attorney. No formal action will be taken against any person under this Policy unless the County Attorney has received a written and signed Harassment/Discrimination Investigation Consent Form containing sufficient details to determine whether this Policy may have been violated. The complainant [the person filing the complaint] may obtain a copy of the Harassment/Discrimination Investigation Consent Form from the County Attorney's Office, the Department of Human Resources, or online as part of this Policy made available by the Department of Human Resources at www.washco-md.net. If a supervisor or manager becomes aware that Harassment or Sexual

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Harassment is occurring, either from personal observation or as a result of an Employee’s report, the supervisor or manager must immediately report the conduct to the County Attorney.

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b. Upon receiving a complaint or being advised by a supervisor or manager that violation of this Policy may be occurring, the County Attorney will notify the County Administrator and the Director of Health and Human Services and review the Complaint with the County Administrator and the Director of Health and Human Services.

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c. Within five (5) business days of receiving a complaint, the Director of Health and Human Services will notify the respondent or respondents [the person or persons charged in the complaint] of a complaint filing and initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.

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d. During the investigation, the Director of Health and Human Services, with the assistance of the County Attorney, or other legal counsel or other appropriate management employees, will interview the complainant, the respondent or respondents, and any witnesses to determine whether the alleged conduct occurred.

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e. Within fifteen (15) business days of the the matter being referred to the Director of Health and Human Services by the County Attorney, the Director of Health and Human Services, together with other persons conducting the investigation, will conclude the investigation and submit a written report of the investigative findings to the County Administrator and the County Attorney.

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f. If the investigation determines that Harassment, Sexual Harassment, or retaliation occurred in violation of this Policy, the Director of Health and Human Services, with the advice of the County Administrator and the County Attorney, will recommend appropriate disciplinary action. The appropriate disciplinary action will depend on the following factors: (i) the severity, frequency, and pervasiveness of the conduct; (ii) prior complaints made by the complainant; (iii) prior complaints made against the respondent or respondents; and (iv) the quality of the evidence (e.g., first-hand knowledge, credible

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corroboration).

g. If the investigation is inconclusive or if the investigation determines that there has been no violation of this Policy, but potentially problematic conduct may have occurred, the Director of Health and Human Services, with the advice of the County Administrator and the County Attorney, may recommend appropriate preventive action.

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h. Within five (5) business days after the investigation is concluded and a recommendation is determined, the Director of Health and Human Services will meet with the complainant and the respondent or respondents separately, notify them of the findings of the investigation, and inform them of the action being recommended.

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i. The complainant and the respondent or respondents may submit statements to the Director of Health and Human Services challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) business days after the meeting with the Director of Health and Human Services in which the findings of the investigation are discussed.

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j. If the recommendation is any disciplinary action other than termination, then within ten business (10) days from the date that the Director of Health and Human Services meets with the complainant and respondent or respondents, the Director of Health and Human Services will review the investigative report and any statements submitted by the complainant and respondent or respondents; discuss results of the investigation with the County Administrator, the County Attorney, and other management staff as may be appropriate; and decide what action, if any, will be taken. The Director of Health and Human Services will report the decision to the respondent or respondents, and the appropriate management staff assigned to the department or departments in which the complainant and the respondent or respondents work. The decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent or respondents will be informed of the nature of the discipline and how it will be executed.

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k. If the recommendation is termination, then the Director of Health and Human Services will make the recommendation

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at the next regularly scheduled meeting of the Board of County Commissioners. Within five (5) business days following the Board of County Commissioners' decision regarding the recommendation of termination, the Director of Health and Human Services will report the Board's decision to the respondent or respondents and the appropriate management staff assigned to the department or departments in which the respondent or respondents work. The decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent or respondents will be informed of the nature of the discipline and how it will be executed.

H. Confidentiality

1. The Employee Assistance Program (EAP) provides confidential counseling services to County Employees. An employee who wishes to discuss an incident confidentially or to seek information and advice of a personal nature is encouraged to contact the EAP. The EAP's role in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to the County of a potential Harassment, including Sexual Harassment, issue.¹
2. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant will be protected to the greatest extent permitted by applicable law. The expressed wishes of the complainant for confidentiality will be considered in the context of the County's legal obligation to act on the charge and the right of the respondent or respondents to obtain information. In most cases, however, confidentiality will be strictly maintained by the County and those involved in the investigation. In addition, any notes or documents written by or received by the person or persons conducting the investigation will be kept confidential to the greatest extent permitted by applicable law.

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I. Alternative Legal Remedies

Nothing in this Policy may prevent the complainant and the respondent or respondents from pursuing formal legal remedies or resolution through local, State, or federal agencies or the courts.

¹ See Policy No. EB-14 Employee Assistance Program (EAP) for information on offered services.



POLICY TITLE: **Violence in the Workplace**

POLICY NO.: **PR-21**

I. GENERAL POLICY

All employees have the right to work in an environment free from threats, intimidation, and violence. Such behavior, in any form, will not be tolerated in the County Workplace.

II. PURPOSE

This Policy describes unacceptable behavior and establishes guidelines for reporting, investigating, and addressing situations in the Workplace which involve threatening acts, intimidation, or violence.

III. SCOPE

This Policy applies to all Employees as defined herein.

IV. DEFINITIONS

The following terms as used in this Policy are defined as follows:

- A. “Employee” or “Employees” means elected and appointed officials, department heads, division directors, all full- and part-time employees, board and commission members, and unpaid volunteers.
- B. “Law Enforcement Personnel” are as defined in the Annotated Code of Maryland, Article 27, Section 36F, as from time to time amended.
- C. “Person” and “Persons” include one or more individuals, associations, corporations, partnerships, or unincorporated associations.
- D. “Threat” means the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
- E. “Threaten” means to menace or to express, through oral, written, or any other means, an intrusion to inflict pain, injury, or harm upon a person or thing.
- F. “Violence” and “Violent Act” mean physical force or verbal abuse exerted for the purpose of intimidation or for the purpose of harming, damaging, or causing injury to persons or property.

- G. “Weapon” means guns, knives, or any other instruments which can be used to cause injury in an unlawful manner.
- H. “Workplace” means any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations, and travel to and from work assignments.

IV. PROHIBITED ACTIVITIES

- A. Employees are prohibited from engaging in the following activities during the course of employment with the County:
 - 1. Threatening or committing any Violent Act against another Person or Employee in the Workplace;
 - 2. Intentionally and/or maliciously damaging or destroying the property of another person or Employee;
 - 3. Bringing Weapons of any kind onto County property without written permission from both the County Administrator and the County Attorney, except that Law Enforcement Personnel may possess legally authorized Weapons.

V. PROCEDURE

- A. Managing the Violent Situation
 - 1. Contacting Law Enforcement Personnel
 - a. Employees are encouraged to seek the immediate assistance of Law Enforcement Personnel when confronted with situations which are Violent, or which have the potential of becoming Violent. If a telephone can be safely accessed, an employee should dial “9-1-1,” should describe the situation and location where the incident is occurring, and, if possible, should maintain telephone contact with the “9-1-1” dispatcher until the police arrive, or until the “9-1-1” dispatcher indicates the call may be ended.
 - 2. Other Actions
 - a. When confronted by a verbally abusive Person or Persons, an Employee should undertake the following actions if able to do so safely:

- i. Attempt to restore calm by courteously asking the Person or Persons to cease their verbally abusive actions;
 - ii. Notify a supervisory Employee of the situation as soon as possible; and
 - iii. Request the assistance and aid of fellow Employees.
- b. When confronted by a Person or Persons Threatening bodily harm, an Employee should undertake the following actions if able to do so safely:
- i. Leave the presence of the Threatening Person;
 - ii. Notify a supervisory Employee of the situation as soon as possible; or
 - iii. Contact law enforcement personnel if necessary.
- c. When an Employee observes a Person, other than Law Enforcement Personnel, possessing a Weapon while on County property, an Employee should immediately call Law Enforcement Personnel.

C. Reporting the Violent or Threatening Act or Situation

1. An Employee who has witnessed a Violent Act or Threat of Violence in a County Workplace, or who has knowledge of facts causing the Employee to reasonably believe a Violent situation is present or is Threatened in the County Workplace, shall immediately report the act or situation to:
 - a. His or her immediate supervisor;
 - b. His or her department head or division director; or
 - c. The County Attorney.
2. A supervisor who has witnessed a Violent Act or Threat of Violence in a County Workplace, who has knowledge of facts reasonably causing him or her to believe a Violent situation is present or is Threatened in a County Workplace, or who has received a report from an Employee that a Violent Act or Threat occurred or exists in a County Workplace, shall immediately report the act or situation to:

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- a. The department head or division director; or
 - b. The County Attorney.
3. After receiving a report that a Violent Act or Threat of Violence has occurred, or that a Violent situation or Threat occurred or exists in a County Workplace, the department head or division director and the County Attorney shall immediately report the matter to the County Administrator and the Director of Health and Human Services, orally and in writing.
4. In making reports under this policy, an employee shall provide as much factual information and detail as possible and shall reduce their report to writing.

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D. Investigation of Violent or Threatening Acts of Situations

- 1. To the extent practicable, appropriate, and required by applicable law, confidentiality will be maintained throughout the investigatory process.
- 2. The Director of Health and Human Services, with the assistance of the County Attorney or other legal counsel or other appropriate management employees, will conduct any investigations under this Policy unless the County Administrator determines otherwise.
- 3. All Employees have a duty to cooperate in any investigation conducted under this Policy.

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VI. **DISCIPLINE**

A. Discipline for Employees Engaging in Prohibited Conduct

An employee who has engaged in prohibited conduct under this Policy will be disciplined. Appropriate discipline will be determined by the County Administrator after consultation with the Employee's department head or division director, the Director of Health and Human Services, and the County Attorney, and may include reprimand, demotion, suspension without pay, and/or recommendation for termination.

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B. Discipline for Other Violations of this Policy

An Employee who fails to report Violent or Threatening Acts or situations as required by this Policy, or who fails to cooperate with investigations conducted under this Policy, will be disciplined. Appropriate discipline will be determined by the County Administrator after consultation with the Employee's department head or division director, the Director of Health and Human Services, and the County Attorney, and may include reprimand,

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demotion, suspension without pay, and/or recommendation for termination.

VII. GENERAL PROVISIONS

- A. The Employee Assistance Program (EAP) is available to all County Employees and includes counseling and referral services. Employees should use the services of the EAP to prevent and deal with Violent Acts and situations and Threats of Violence occurring in the Workplace.¹
- B. Recommendations and suggestions from Employees for improving security and reducing the risk of Violence and Threats in the Workplace are encouraged and should be made in writing to the Employee's department head or division director, the Director of Health and Human Services, the County's Safety Administrator, or the County's Safety Committee.
- C. Because the County does not tolerate Threats, intimidation or Violence in its Workplaces, the County will, to the extent practicable, appropriate, and permitted by law, investigate any incident involving a non-employee and will take any action necessary to remove Threats posed by non-employees. The County encourages the reporting of all incidents covered by the terms of this Policy, regardless of the offender's identity, in accordance with the procedures established in this Policy.

Commented [s5]: Is this wording ok or should it just be County Attorney?

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¹ See Policy No. EB-14 Employee Assistance Program (EAP) for information on available services.



POLICY TITLE: Whistleblower Policy

POLICY NO.: PR-26

I. PURPOSE

The Board of County Commissioners expects officers and Employees to observe high standards of business and personal honesty, integrity, and ethics in the conduct of their duties. This Policy is intended to enable Employees to raise concerns about violations of law, gross waste of County funds or property, or gross neglect of duty committed by County officers, Employees, or Independent Contractors.

II. DEFINITIONS

Unless otherwise specified, the following terms have the meanings indicated:

- A. “County” means the Board of County Commissioners of Washington County, Maryland.
- B. “Employee” or “Employees” means a person or persons employed by the County.
- C. “Adverse Personnel Action” means the discharge, suspension, transfer, or demotion of an Employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an Employee.
- D. “Independent Contractor” means a person or entity, other than an Employee, who is engaged in a business and who enters into a contract with the County to provide goods or services to the County.
- E. “Whistleblower” means an Employee who reports an activity that he or she, in good faith, considers a violation of law, gross waste of County funds or property, or gross neglect of duty committed by County officers, Employees or Independent Contractors.

III. EMPLOYEES PROTECTED

This Policy protects the following:

- A. Whistleblowers who disclose information in a written and signed complaint form as provided in Section V of this Policy;
- B. Employees who participate in an investigation, hearing, or other inquiry conducted by the County; and
- C. Employees who refuse to participate in an adverse action prohibited by this Policy.

IV. RETALIATION PROHIBITED

- A. The County shall not dismiss, discipline, or take any other Adverse Personnel Action against a protected Employee as defined in Section III of this Policy.
- B. The provisions of this Policy shall not be applicable if an Employee discloses information known by the Employee to be false.
- C. No immunity is provided under this Policy to any person for his or her own wrongdoing.

V. REPORTING PROCESS

- A. An Employee wishing to disclose information consistent with Section VI of this Policy must file a written and signed complaint form with the County Attorney.
- B. An Employee wishing to disclose information concerning an Adverse Personnel Action prohibited by this Policy must file a written and signed complaint form with the County Attorney within sixty (60) days of the Employee having received notice of the Adverse Personnel Action prohibited by this Policy.
- C. The complaint form referenced in this Section V is available upon request from the County Attorney's Office, the Division of Health and Human Services, or on the County's intranet site at <http://intranet.washco-md.net>.
- D. Upon receipt of a signed and written complaint form, County Attorney will review the complaint and consult with the appropriate staff for investigation or other resolution.
- E. If the information to be disclosed by an Employee concerns or involves the County Attorney, disclosure will be made to the County Administrator.

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VI. NATURE OF WHISTLEBLOWER INFORMATION

The information disclosed by an Employee must concern at least one (1) of the following:

- A. A violation or suspected violation of a federal, State, or local law, rule, or regulation, committed by an officer or Employee of the County or an Independent Contractor;
- B. An act of gross mismanagement, gross waste of public funds, or gross neglect of duty committed by an officer or an Employee of the County or an Independent Contractor; or
- C. An Adverse Personnel Action against a protected Employee as defined in Section III of this Policy.

VII. RULES AND PROCEDURES

The County Administrator is authorized to promulgate such other rules and procedures necessary to effectuate the intent of this Policy.



POLICY TITLE: Tobacco Free Campus

POLICY NO.: PR-36

I. PURPOSE

The purpose of this Policy is to establish and maintain the safest possible environment for Washington County's employees and citizens, to minimize adverse effects of tobacco to employees, visitors, volunteers, and citizens; to reduce the risk of fire; to promote health and wellness; to serve as a community role model; to enhance employee productivity; and to reduce healthcare costs.

II. GENERAL POLICY

No employee, volunteer, or visitor may use any form of tobacco product on property that is owned, leased, occupied, or operated by Washington County, except in areas designated for tobacco use pursuant to this Policy.

III. APPLICABILITY

This Policy applies to all employees, volunteers, and visitors while at, on, or in property that is owned, leased, occupied, or operated by Washington County, including County vehicles.

IV. PROCEDURE

- A. Washington County is tobacco-free. This Policy applies to all forms of tobacco products including cigarettes, electronic cigarettes, cigars, pipes, herbal tobacco products, snuff, and chewing tobacco, the use of which is prohibited at, on, or in property owned, leased, occupied, or operated by Washington County, unless otherwise accepted by this Policy.
- B. With the exception of Black Rock Golf Course and the [Washington County Agricultural Center](#), tobacco use is prohibited at, on, or in all campuses, facilities, and properties owned, leased, occupied, or operated by Washington County, or used for County government functions, including, but not limited to, buildings, parking lots, parks, recreation areas. Tobacco use is also prohibited in all vehicles which are owned, leased or operated by Washington County.¹ Additionally, County employees are prohibited from using tobacco products on private property if they are on private property for County business purposes.
- C. Notice of this Policy will be given to employees in writing with formal and informal reminders as necessary for implementation and enforcement.

¹ See Policy No. PR-25 Use of Official Cars and Equipment for guidelines on permitted uses of County vehicles.

Deleted: <#>The director of each campus, facility, or property subject to this Policy will establish designated tobacco use areas with the approval of the Director of Public Works.¶

Additional notice of this Policy will be given by the posting of signage at each campus, facility, or property subject to this Policy.

- D. New employees will be made aware of this Policy at orientation for new hires.
- E. Supervisors are responsible for managing the implementation and enforcement of this Policy within their respective work areas. Employees violating this Policy will be subject to progressive disciplinary action. Volunteers and visitors will be asked to cease the activity causing the violation and/or leave the property.
- F. Washington County understands that it is not easy to overcome a reliance on nicotine and is willing to assist in this undertaking. A variety of smoking cessation resources are and will be offered to employees. Employees interested in such resources are encouraged to contact the Department of Health and Human Services for more information.



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POLICY TITLE: Anti-Discrimination and Complaint Procedure

POLICY NO.: PR-37

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I. PURPOSE

The purpose of this Policy is to establish formal guidelines to ensure that County employees, potential employees, and volunteers of Washington County may work in an environment free from Discrimination or actions of a Discriminating nature.

II. GENERAL POLICY

The Board of County Commissioners strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the County should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe, yet stimulating, atmosphere. The accomplishment of this goal is essential to the County's mission. For that reason, the Board of County Commissioners will not tolerate unlawful Discrimination of any kind. Through enforcement of this Policy, and by education of Employees, the County will seek to prevent, correct, and discipline behavior that violates this Policy.

III. SCOPE

This Policy applies to all Employees as defined herein.

IV. DEFINITIONS AND PROHIBITED CONDUCT

The Board of County Commissioners, in compliance with all applicable federal, State, and local Discrimination laws and regulations, enforces this Policy in accordance with the following definitions and guidelines:

A. Definition of "Employee" or "Employees"

For purposes of this Policy, "Employee" or "Employees" means elected and appointed officials, department heads, division directors, all full- and part-time employees, board and commission members, and unpaid volunteers.

B. The Board of County Commissioners prohibits Discrimination of any kind as defined herein, and will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy.

C. Discrimination

1. It is a violation of this Policy and, therefore, prohibited conduct, to discriminate in the provision of employment opportunities, benefits, or

privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, or marital status.

2. The discrimination that is prohibited conduct under this Policy may also be strictly prohibited by a variety of federal, State, and local laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This Policy is intended to comply with the prohibitions stated in these and other applicable anti-discrimination laws.

D. Types of Prohibited Discrimination and Associated Laws

1. **Age Discrimination** – Age discrimination involves treating an applicant or employee less favorably because of his or her age in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and any other term or condition of employment. The Age Discrimination in Employment Act of 1967 (ADEA) prohibits age discrimination against people who are age forty (40) or older.
2. **Disability Discrimination** – Disability discrimination occurs when an employer or other entity covered by Title I and Title V of the Americans with Disabilities Act of 1990, as amended, or the Rehabilitation Act of 1973, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because he or she has a disability or a history of a disability or is believed to have a physical or mental impairment that is not transitory and minor. Disability discrimination also occurs when an employer or other entity treats an employee or applicant unfavorably on the basis that he or she has a relationship with a disability. Disability discrimination may occur in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and any other term or condition of employment, including not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee when making such reasonable accommodation would not cause undue hardship.
3. **Equal Pay/Compensation Discrimination** – Equal pay/compensation discrimination involves the inequality in wages between men and women and is illegal under the Equal Pay Act of 1963, as amended, the Lilly Ledbetter Fair Pay Act of 2009, as amended, and Title VII of the Americans with Disabilities Act of 1990, as amended. The

Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work. The jobs need not be identical, but they must be substantially equal. Job content, not job titles, determines whether jobs are substantially equal. All forms of pay are covered, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits. If there is an inequality in wages between men and women, employers may not reduce the wages of either sex to equalize their pay.

4. Genetic Information Discrimination – Genetic information discrimination involves the use of genetic information in making employment decisions and is illegal under Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members. Genetic information includes family medical history. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology. Discrimination on the basis of genetic information is illegal with regard to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.
5. Harassment – Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). While harassment is included in this Policy as a type of prohibited discrimination, Washington County maintains a separate policy that specifically deals with harassment, including sexual harassment. See Policy No. PR-13 Anti-Harassment and Complaint Procedure.
6. National Origin Discrimination – National origin discrimination involves treating people (applicants or employees) unfavorably

because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background even if they are not. National origin discrimination also can involve treating people unfavorably because they are married to or associated with a person of a certain national origin. Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of national origin.

7. **Pregnancy Discrimination** – Pregnancy discrimination involves treating a woman (applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy. Discrimination on the basis of pregnancy is illegal with regard to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, she must be treated in the same way as any other temporarily disabled employee must be treated. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees.¹
8. **Race and Color Discrimination** – Race discrimination involves treating an individual (applicant or employee) unfavorably because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating an individual unfavorably because of skin color complexion. Race and color discrimination also can involve treating someone unfavorably because the person is married to or associated with a person of a certain race or color. Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race or color.
9. **Religious Discrimination** – Religious discrimination involves treating a person (applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism,

¹ See Policy No. PR-32 Reasonable Accommodation Due to Pregnancy.

Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical, or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to or associated with an individual or a particular religion. Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of religion or sincerely held religious, ethical, or moral beliefs.

10. Sex-Based Discrimination – Sex-based discrimination involves treating an individual (applicant or employee) unfavorably because of the individual's sex. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation, is discrimination because of sex in violation of Title VII of the Civil Rights Act of 1964, as amended. Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of sex, gender identity, and sexual orientation.
11. Sexual Harassment – Sexual harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). While sexual harassment is included in this Policy as a type of prohibited discrimination, Washington County maintains a separate policy that specifically deals with sexual harassment, together with harassment of a non-sexual nature. See Policy No. PR-13 Anti-Harassment and Complaint Procedure.
12. The types of discrimination addressed in this Policy also constitute potential violations of the Civil Rights Act of 1991, as amended, which provides monetary damages in cases of intentional employment discrimination.
13. The U.S. Equal Employment Opportunity Commission (EEOC) enforces all of the laws addressed in this Policy, together with other federal, State, and local laws as applicable. The EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies which will be consulted in interpreting and implementing this Policy.

E. Retaliation

1. Retaliation is the punishment of job applicants or employees for

asserting their rights to be free from all types of employment discrimination, including harassment.²

2. All of the laws addressed in this Policy, together with other federal, State, and local laws as applicable [collectively, the equal employment opportunity (EEO) laws], prohibit retaliation. Retaliation is prohibited conduct under this Policy.
3. An employee's assertion of his or her rights under the EEO laws is called "protected activity" which can take many forms. The following examples of protected activity are intended to be guidelines and are not exclusive when determining acts that constitute protected activity under this Policy or all applicable laws:
 - a. Filing or being a witness or investigator in an EEO charge, complaint, investigation, or lawsuit;
 - b. Communicating with a supervisor or manager about employment discrimination, including harassment;³
 - c. Answering questions during an employer investigation of alleged harassment;⁴
 - d. Refusing to follow orders that would result in discrimination;
 - e. Resisting sexual advances, or intervening to protect others;⁵
 - f. Requesting accommodation of a disability⁶ or for a religious practice;
 - g. Asking managers or co-workers about salary information to uncover potentially discriminatory wages;
 - h. Participating in a complaint process;⁷
 - i. Other acts to oppose discrimination as long as the employee was acting on a reasonable belief that something in the workplace may violate the EEO laws, even if he or she did not use legal terminology to describe it.

² See also Policy No. PR-13 Anti-Harassment and Complaint Procedure.

³ See also Policy No. PR-13 Anti-Harassment and Complaint Procedure.

⁴ See also Policy No. PR-13 Anti-Harassment and Complaint Procedure.

⁵ See also Policy No. PR-13 Anti-Harassment and Complaint Procedure.

⁶ See also Policy No. PR-31 Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA).

⁷ See also Policy No. PR-13 Anti-Harassment and Complaint Procedure.

4. Engaging in protected activity does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate workers if the discipline or termination is motivated by non-retaliatory and non-discriminatory reasons that would otherwise result in such consequences.
5. An employer is not allowed to take any action in response to protected activity that would discourage an individual from resisting or complaining about future discrimination.
6. The following examples of potential retaliation are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Policy:
 - a. Reprimanding an employee or giving a performance evaluation that is lower than it should be;
 - b. Transferring an employee to a less desirable position;
 - c. Engaging in verbal or physical abuse;
 - d. Threatening to make or actually making reports to authorities, such as reporting immigration status or contacting the police;
 - e. Increasing scrutiny;
 - f. Spreading false rumors or treating a family member negatively, e.g., canceling a contract with an employee's spouse; or
 - g. Making an employee's work more difficult, e.g., punishing an employee for filing an EEO complaint by purposefully changing his or her work schedule to conflict with family responsibilities.

F. Compliance with Policy and Applicable Laws

All Employees are expected to comply with this Policy and to take appropriate measures to ensure that the conduct prohibited herein does not occur. Appropriate disciplinary action will be taken against any Employee who violates this Policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

G. Complaint Procedure

1. The Board of County Commissioners will courteously treat any person who invokes the complaint procedure under this Policy. The County will handle all complaints swiftly and confidentially, to the greatest extent permitted by applicable law, in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against an Employee or have an adverse impact on the Employee’s employment status. Because of the damaging nature of all types of discrimination against victims and the entire workforce, aggrieved Employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this Policy and will be treated as a violation thereof.

2. The Board of County Commissioners has established the following procedure for lodging a complaint of discrimination or retaliation. The County will treat all aspects of the complaint procedure in accordance with the confidentiality provisions of this Policy.
 - a. An individual may initiate the complaint procedure under this Policy by filing a complaint in writing with the County Attorney. No formal action will be taken against any person under this Policy unless the County Attorney has received a written and signed Harassment/Discrimination Investigation Consent Form containing sufficient details to determine whether this Policy may have been violated. The complainant [the person filing the complaint] may obtain a copy of the Harassment/Discrimination Investigation Consent Form from the County Attorney’s Office, the Department of Human Resources, or online as part of this Policy made available by the Department of Human Resources at www.washco-md.net. If a supervisor or manager becomes aware that discrimination has occurred or is occurring, either from personal observation or as a result of an Employee’s report, the supervisor or manager must immediately report the conduct to the County Attorney.

 - b. Upon receiving a complaint or being advised by a supervisor or manager that violation of this Policy may be occurring, the County Attorney will notify the County Administrator and the Director of Health and Human Services and review the Complaint with the County Administrator and the Director of Health and Human Services.

 - c. Within five (5) business days of receiving a complaint, the Director of Health and Human Services will notify the respondent or respondents [the person or persons charged in the complaint] of a complaint filing and initiate the investigation to determine whether there is a reasonable basis

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for believing that an alleged violation of this Policy occurred.

d. During the investigation, the Director of Health and Human Services, together with the assistance of the County Attorney or other legal counsel or other appropriate management employees, will interview the complainant, the respondent or respondents, and any witnesses to determine whether the alleged conduct occurred.

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e. Within fifteen (15) business days of the matter being referred to the Director of health and Human Services by the County Attorney, the Director of Health and Human Services, together with other persons conducting the investigation will conclude the investigation and submit a written report of the investigative findings to the County Administrator and the County Attorney.

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f. If the investigation determines that discrimination or retaliation occurred in violation of this Policy, the Director of Health and Human Services, with the advice of the County Administrator and the County Attorney, will recommend appropriate disciplinary action. The appropriate disciplinary action will depend on the following factors: (i) the severity, frequency, and pervasiveness of the conduct; (ii) prior complaints made by the complainant; (iii) prior complaints made against the respondent or respondents; and (iv) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).

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g. If the investigation is inconclusive or if the investigation determines that there has been no violation of this Policy, but potentially problematic conduct may have occurred, the Director of Health and Human Services, with the advice of the County Administrator and the County Attorney, may recommend appropriate preventive action.

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h. Within five (5) business days after the investigation is concluded and a recommendation is determined, the Director of Health and Human Services will meet with the complainant and the respondent or respondents separately, notify them of the findings of the investigation, and inform them of the action being recommended.

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i. The complainant and the respondent or respondents may submit statements to the Director of Health and Human Services challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) business days after the meeting with the Director of Health and Human Services, in which the findings of the investigation are discussed.

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j. If the recommendation is any disciplinary action other than termination, then within ten (10) business days from the date that the Director of Health and Human Services meets with the complainant and respondent or respondents, the Director of Health and Human Services will review the investigative report and any statements submitted by the complainant and respondent or respondents, discuss results of the investigation with the County Administrator, the County Attorney, and other management staff as may be appropriate, and decide what action, if any, will be taken. The Director of Health and Human Services will report the decision to the respondent or respondents, and the appropriate management staff assigned to the department or departments in which the complainant and the respondent or respondents work. The decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent or respondents will be informed of the nature of the discipline and how it will be executed.

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k. If the recommendation is termination, then the Director of Health and Human Services will make the recommendation at the next regularly scheduled meeting of the Board of County Commissioners. Within five (5) business days following the Board of County Commissioners' decision regarding the recommendation of termination, the Director of Health and Human Services will report the Board's decision to the respondent or respondents and the appropriate management staff assigned to the department or departments in which the respondent or respondents work. The decision will be in writing and will include findings of act and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent or respondents will be informed of the nature of the discipline and how it will be executed.

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H. Confidentiality

1. The Employee Assistance Program (EAP) provides confidential counseling services to County Employees. An employee who wishes to discuss an incident confidentially or to seek information and advice of a personal nature is encouraged to contact the EAP. The EAP's role in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to the County of a potential discrimination issue.⁸
2. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant will be protected to the greatest extent permitted by applicable law. The expressed wishes of the complainant for confidentiality will be considered in the context of the County's legal obligation to act on the charge and the right of the respondent or respondents to obtain information. In most cases, however, confidentiality will be strictly maintained by the County and those involved in the investigation. In addition, any notes or documents written by or received by the person or persons conducting the investigation will be kept confidential to the greatest extent permitted by applicable law.

I. Alternative Legal Remedies

Nothing in this Policy may prevent the complainant and the respondent or respondents from pursuing formal legal remedies or resolution through local, State, or federal agencies or the courts.

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⁸ See Policy No. EB-14 Employee Assistance Program (EAP) for information on offered services.



**HARASSMENT/DISCRIMINATION INVESTIGATION
COMPLAINT AND CONSENT FORM**

Washington County maintains a policy that all of its employees should be free from any form of harassment and discrimination. As part of that policy, the County is committed to investigating claims of harassment and discrimination and taking appropriate disciplinary or other actions when the facts show that harassment or discrimination has occurred. So that Washington County may conduct an investigation of your concerns, please complete and submit this form to the [County Attorney](#).

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Complainant's Name: _____ Date: _____

I wish to file a complaint regarding the following event(s): _____

Provide any and all information pertinent to what has occurred, including the names of witnesses, events, dates, times, places, and what was said and done. Attach additional sheets if necessary.

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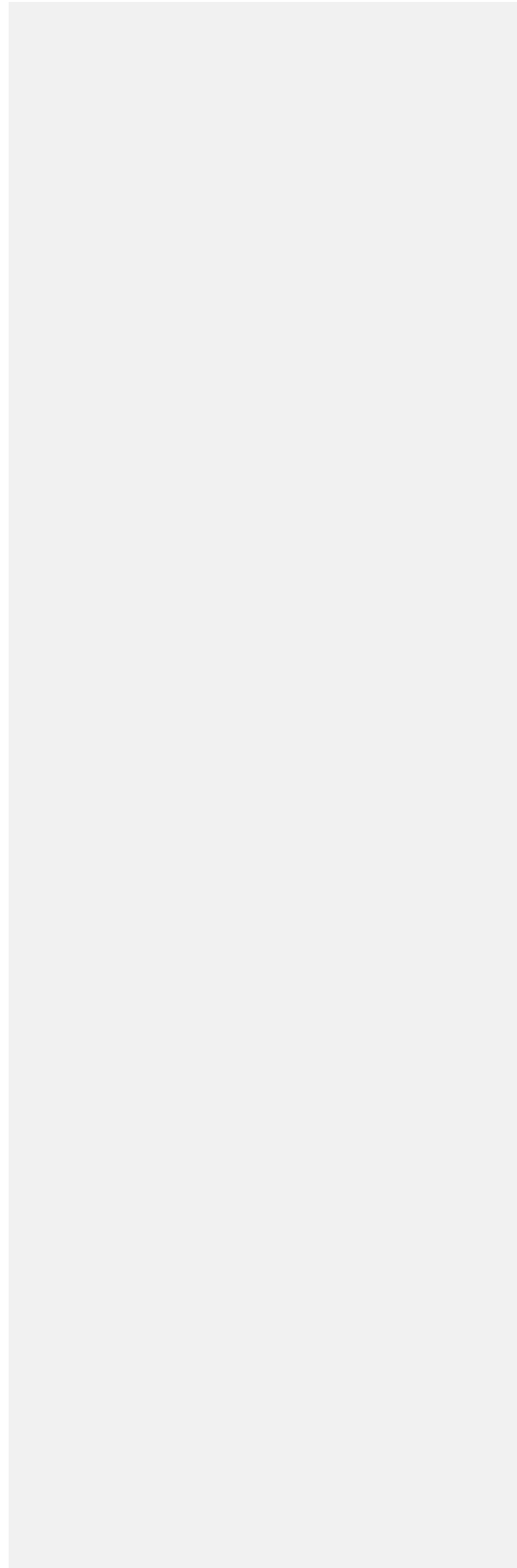
I, _____, hereby consent to Washington County's conduct of a complete and thorough investigation of the above complaint. I further authorize Washington County representatives to disclose to others, as necessary, on a need-to-know basis, and as required by law, certain of the information that I have provided or that I may provide in the future. I understand that disclosure of certain information that I have provided on this form or in the future may be necessary to ensure that a complete investigation can be conducted. I acknowledge that I have read and understand the contents of this consent statement.

Complainant's Signature Date

If you do not wish for the County to disclose certain information that you have provided, please specify that information in detail below. The County will attempt to honor your request to an extent that is consistent with the County's obligation to identify and correct instances of harassment and discrimination.

By signing this form, I acknowledge that the information I have provided is true and accurate to the best of my knowledge and recollection. I agree to fully and honestly cooperate with the investigation that the County will conduct as a result of this complaint.

Complainant's Signature Date





Agenda Report Form

SUBJECT: IT Reclassification & Reorganization of Duties

PRESENTATION DATE: November 7, 2017

PRESENTATION BY: Ronald Whitt, IS Director, Stephanie Stone, Director of Health and Human Services

RECOMMENDEDATION: Motion to approve the reclassification of various positions and advertisement of the proposed trainer position and move to eliminate a budgeted position.

REPORT-IN-BRIEF: In November 2016, a vacancy occurred in the department of Information Technology for a Technical Support Analyst II, Grade 13 position.

At that time, I decided to rearrange some duties and responsibilities and reassign the Technical Analyst Support II's duties amongst my current staff and wanted to take a "wait and see approach" so that I could fully determine what specific needs IT would be required to address as Washington County migrated several business applications and processes into vendor provided cloud based platforms.

I have determined that the best option for the County moving forward would be to transition the current job vacancy (IT Technical Support Analyst II, Grade 13) and hire an IT Training Specialist at a Grade 11 and whose duties would **focus on training** County staff in the new cloud based software platforms from Oracle, Microsoft (Word, Excel, Office 365, email clients), Windows 10, Laserfiche, IT security and risk awareness, create online end user documentation (How To Guides and Tip Sheets), provide end user telephone and help desk ticket support and assist in maintaining system documentation.

Additionally, the rearranged and the reassigned Technical Support Analyst II duties and responsibilities that were previously reassigned would remain with those staff members and include additional duties and responsibilities that have been created by our migration to cloud based systems.

- Vacant Technical Support Analyst II Grade 13 (position eliminated) – New Position – **Information Technology Training Specialist, Grade 11**
- Proposed adjustment Database Administrator, Grade 15 Step 11 to Deputy Director IS – Software Support & Training, Grade 17 Step 8 (assumed additional duties & responsibilities)
- Proposed adjustment IT Service Specialist I, Grade 11 Step 4 to Technical Support Analyst I, Grade 12 Step 4 (assumed additional duties & responsibilities)

- Proposed adjustment Systems Analyst, Grade 14 Step 7 to Software Support Analyst, Grade 15 Step 6 (assumed additional duties & responsibilities)
- Proposed adjustment IT Services Specialist III, Grade 13 Step 10 to Senior IT Services Specialist, Grade 14 Step 9 (assumed additional duties & responsibilities)
- Proposed adjustment Deputy Director IS – Infrastructure & Operations, Grade 17 Step 5 to Grade 17 Step 6 (assumed additional duties & responsibilities)

DISCUSSION: The vacant **Technical Support Analyst II, Grade 13** will be eliminated and a new position will be added to Information Technology named Information Technology Training Specialist at Grade 11; the existing Database Administrator will become the Deputy Director IS – Software Support & Training and upgraded from Grade 15 to Grade 17; the existing IT Services Specialist I will become the Technical Support Analyst I and upgraded from Grade 11 to Grade 12; the existing Systems Analyst will become the Software Support Analyst and upgraded from Grade 14 to Grade 15; the existing IT Services Specialist III will become the Senior IT Services Specialist and upgraded from Grade 13 to Grade 14; the existing Deputy Director IS – Infrastructure & Operations Grade 17 Step 5 will be bumped to Step 6.

Over the past eleven months the rearranged and the Technical Support Analyst II duties and responsibilities have been successfully performed by multiple staff members and it is recommended that these individuals retain these duties and responsibilities and that the proposed adjustments be approved. The addition of a technology training specialist will allow Information Technology to enhance the competencies of individual County employees by designing, delivering and conducting technology related training courses and programs that will boost employee's workplace performance.

FISCAL IMPACT: The proposed recommendations would add \$90 to the FY 2019 budget but Information Technology's current fiscal year (FY 2018) budget would see a \$19,193 savings.

CONCURRENCES: Rob Slocum, County Administrator
Stephanie Stone, Director Human Resources

ATTACHMENTS: Organizational Fiscal Impact FY 2018

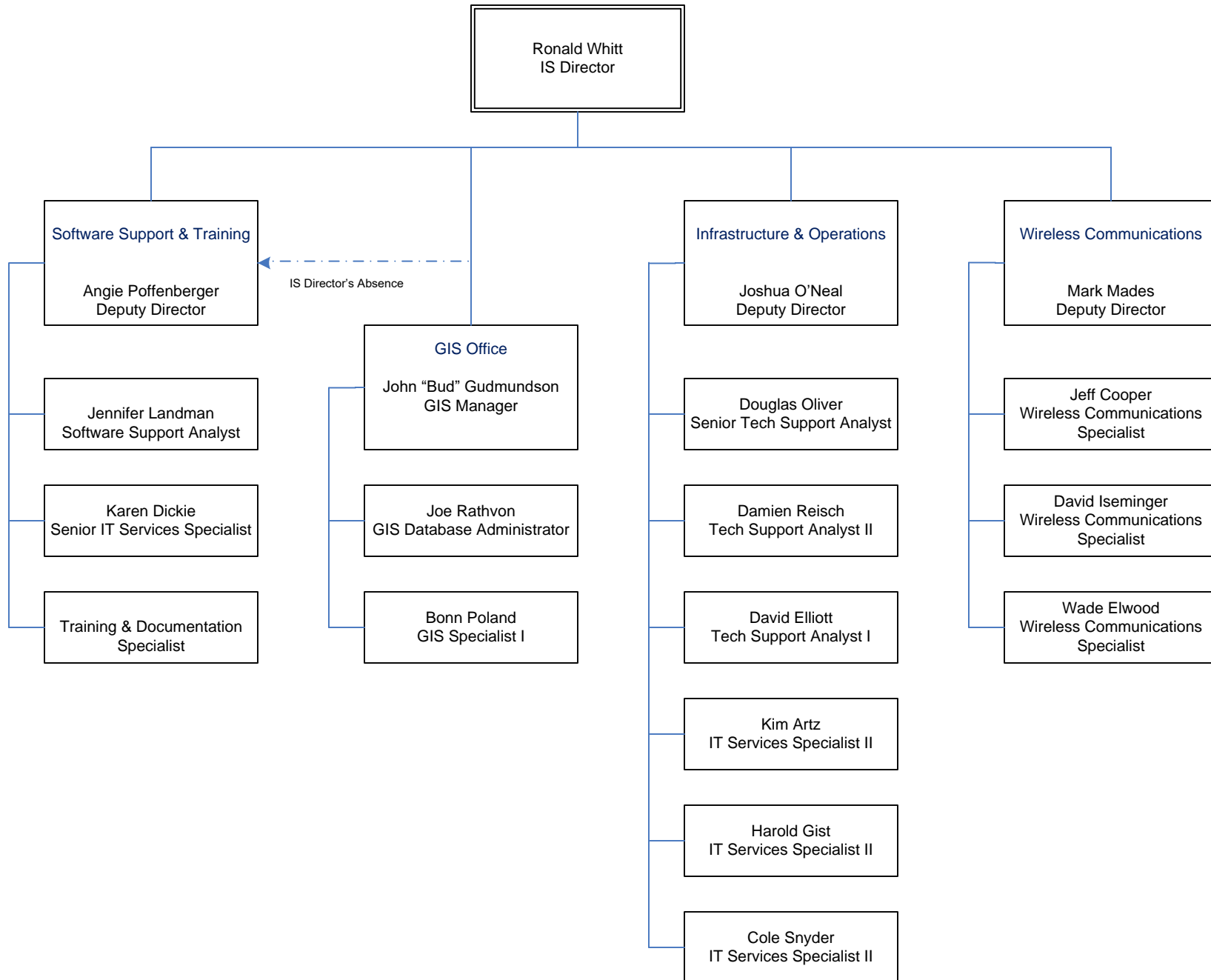
AUDIO/VISUAL NEEDS: None

Organizational Fiscal Impact FY 2018

	<u>Budgeted</u>	<u>Proposed</u>	<u>Annual Difference</u>	<u>FY2018 Actual</u>
Technical Support Analyst II	57,770		(57,770)	57,770
Information Technology Training Specialist		41,710	41,710	(27,807)
Database Administrator to Deputy Director IS – Software Support & Training	80,060	84,220	4,160	(2,774)
IT Services Specialist I to Technical Support Analyst I	46,240	49,950	3,710	(2,475)
Systems Analyst to Software Support Analyst	64,580	67,400	2,820	(1,880)
IT Services Specialist III to Senior IT Services Specialist	66,290	69,180	2,890	(1,927)
Database Administrator to Deputy Director IS – Software Support & Training	73,390	75,960	2,570	(1,714)
Total Difference and FY2018 Actual Impact			\$90	\$19,193

Note: FY2018 Actual calculations based on 8 months remaining in current fiscal year

Division of Information Systems



INFORMATION TECHNOLOGY TRAINING SPECIALIST

Grade: 11
FLSA Status: Exempt

GENERAL DEFINITION OF WORK:

Under the guidance of the Deputy Director, designs and delivers classroom, online and blended learning for multiple software applications and systems utilized by County departments to enhance the competencies of employees according to established policy.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

(These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

General duties and responsibilities:

1. Identify training needs by evaluating employee strength and weaknesses.
2. Enhance the competencies of individual employees by designing, delivering and conducting training courses and programs that will boost employees' workplace performance.
3. Acclimate new hires to appropriate enterprise applications and systems used by the County.
4. Select or develop training aids including How to Guides, Tip Sheets, handbooks, visual aids, multi-media tutorials, etc.
5. Direct vendor provided structured learning experiences and monitor their effectiveness.
6. Periodically evaluate ongoing in-house and vendor provided training courses and programs to ensure that they remain effective and appropriate.
7. Prepare and maintain enterprise application and system documentation.
8. Maintain technical knowledge/proficiency by attending/participating in appropriate educational classes, training and seminars.
9. Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Knowledge of traditional and modern training methods, tools and techniques; ability to present complex information to a variety of audiences; proficiency in Microsoft Office applications; possess sound decision making and organizational skills; teaching and facilitation skills; ability to assess training needs and objectives; knowledge of implementation and facilitation of technical, operational, and/or specialty training events and programs; ability to design, develop, implement and evaluate training programs and initiatives including training plans, curricula, and methodology; ability to communicate effectively both orally and in writing; ability to establish and maintain effective working relationships with employees, peers and associates.

EDUCATION AND EXPERIENCE:

1. Bachelors Degree (BA/BS) from an accredited college or university in Computer Science or Information Technology.
2. Two (2) years of experience directly related to the essential functions and tasks specified and end user support.

PHYSICAL REQUIREMENTS:

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, reaching, pushing, pulling, lifting, fingering, grasping, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions.

SPECIAL REQUIREMENTS:

Possession of a valid driver's license

Revised: 10/17

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.