



**DEPARTMENT OF HUMAN RESOURCES**  
INTEROFFICE MEMORANDUM

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**TO:** Board of County Commissioners  
**VIA:** Julian M. Willis, County Administrator  
**FROM:** Melanie Woodson, Director  
**DATE:** July 12, 2021  
**SUBJECT:** Public Hearing - Timing of Use of Compensatory Leave

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**Background:**

A public hearing will be held on July 20, 2021 to amend §86-3-205 of the Personnel Chapter of the County Code to extend the timing of the use of compensatory leave. The policy currently requires compensatory leave to be used within 12 months. The proposed amendment states, when compensatory leave is accrued related to and during a local state of emergency that was declared by the Board of County Commissioners of Calvert County and longer than ten (10) months in duration, such leave must be used within six (6) months of the end of the local state of emergency, but may not be compensated at separation. Employees shall be required to use compensatory leave before other leave or may be scheduled off to reduce compensatory leave balances.

**Discussion:**

A local state of emergency was declared for the period March 17, 2020 through July 4, 2021 due to COVID-19.

For the period March 16, 2020 through May 24, 2020, County employees earned 15,075.95 hours of compensatory leave. Over the same period in 2019, employees earned 3,655.88 hours of compensatory leave, a year-over-year increase of 312%.

During the COVID-19 state of emergency, county staff have devoted much time, energy, and attention to this unprecedented health emergency. The required administration and timing of the use of compensatory leave is not feasible.

**Fiscal Impact:**

None

**Conclusion/Recommendation:**

After receiving any public comment, the record should be closed. Staff will bring the Ordinance back to the Board for action after the required ten (10) day waiting period.

Coordination: Office of the County Attorney

**PERTAINING TO THE AMENDMENT OF CHAPTER 86 OF  
THE CODE OF PUBLIC LOCAL LAWS OF CALVERT COUNTY**

**WHEREAS**, *Local Government Article*, Section 12-103 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to establish a merit system in connection with the appointment of all county officials and employees not elected or appointed under the Constitution or public general laws of the State;

**WHEREAS**, pursuant to *Local Government Article*, Section 12-102 of the Maryland Annotated Code, as amended, the Board of County Commissioners may determine the compensation of appointed officers and employees of the county;

**WHEREAS**, by Ordinance 42-09, the Board of County Commissioners did adopt a merit system that includes provision for compensation of appointed officers and employees, which is codified at Title 86 of the Code of Public Local Laws of Calvert County, Maryland, being Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”);

**WHEREAS**, by Ordinance 43-20, the Board of County Commissioners did adopt amendments to Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”), Section 86-3-205 pertaining to the use of compensatory leave;

**WHEREAS**, the Department of Human Resources has recommended that the Board of County Commissioners adopt a certain amendment to Chapter 86 of the Code, more specifically set forth below and pertaining to the use of compensatory leave;

**WHEREAS**, a public hearing regarding the certain amendment of Chapter 86 of the Code was duly advertised for two consecutive weeks before the public hearing held on July 27, 2021, at which time the Board of County Commissioners received public comment; and

**WHEREAS**, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt those amendments to Chapter 86 of the Code set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 86 of the Code:

1. Section 86-3-205 to the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing Section 86-3-205 to the Code in its entirety and adopting in its place the following:

§ 86-3-205. Compensatory leave.

- A. According to federal law, other than partially exempt Public Safety and Seasonal Employees, Nonexempt Employees may accrue up to two hundred forty (240) hours of compensatory leave for hours worked. Partially exempt Public Safety and Seasonal Employees may accrue up to four hundred eighty (480) hours of compensatory leave for hours worked.
- B. Exempt Employees may accrue up to two hundred forty (240) hours of compensatory leave for hours worked. The County Administrator may limit this accrual to less than two hundred forty (240) hours.
- C. Employees shall be permitted to use accrued compensatory leave after making a request provided the requested use shall not unduly disrupt the operations of the County and the affected departmental unit(s). Except as otherwise provided herein, compensatory leave must be used within twelve (12) months. When compensatory leave is accrued related to and during a local state of emergency that was declared by the Board of County Commissioners of Calvert County and longer than ten (10) months in duration, such leave must be used within six (6) months of the end of the local state of emergency, but may not be compensated at separation. Employees shall use compensatory leave before other leave or may be scheduled off to reduce compensatory leave balances.
- D. Upon termination, an employee shall be paid for unused compensatory leave at the average regular rate during the last three years of employment, or the employee's final rate, whichever is higher.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that Chapter 86 of the Code, as amended hereby, shall remain in full force and effect.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

**DONE**, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Board of  
County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Absent/Abstain: \_\_\_\_\_

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND**

\_\_\_\_\_  
Rachel M. Distel, Clerk

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Earl F. Hance, President

\_\_\_\_\_  
Steven R. Weems, Vice President

Approved for form and legal  
sufficiency by:

\_\_\_\_\_  
Mike Hart

\_\_\_\_\_  
Kelly D. McConkey Jr.

\_\_\_\_\_  
John B. Norris, III, County Attorney

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Vacant

Approved for form  
and legal sufficiency *for Public Hearing*

  
Office of County Attorney