

COUNTY COUNCIL

FILED

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OF

DORCHESTER COUNTY, MARYLAND

2005 Legislative Session,
Legislative Day No. March 29, 2005

Introduced By: County Council

BILL NO. 2005- 5

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY TO AMEND CHAPTER 40, SECTION 40-7 OF THE DORCHESTER COUNTY CODE TO PROVIDE THAT EVERY COUNTY EMPLOYEE ENGAGED IN THE CONSTRUCTION OR MAINTENANCE OF COUNTY ROADS OR BRIDGES SHALL REPORT TO THE COUNTY HIGHWAY SUPERVISOR AND/OR PUBLIC WORKS DIRECTOR PURSUANT TO THE COUNTY'S RULES, REGULATIONS AND POLICIES, THE COUNTY HIGHWAY SUPERVISOR WILL REPORT DIRECTLY TO THE PUBLIC WORKS DIRECTOR WHO IS RESPONSIBLE TO THE COUNTY MANAGER AND COUNTY COUNCIL AND SHALL BE SUBJECT TO COUNTY PERSONNEL RULES, REGULATIONS AND POLICIES, ROADS DEPARTMENT EMPLOYEES SHALL BE PAID CONSISTENT WITH WAGES AND BENEFITS PROVIDED TO OTHER COUNTY EMPLOYEES AND AS SET FORTH IN THE COUNTY'S ANNUAL BUDGET, ROADS DEPARTMENT EMPLOYEES MAY FILE A GRIEVANCE IN ACCORDANCE WITH SECTION I.G. OF THE DORCHESTER COUNTY PERSONNEL RULES AND REGULATIONS AND TO AMEND SECTION 40-10 OF CHAPTER 40, MANAGEMENT AND CONTROL OF TEAMS AND ROAD EQUIPMENT, PURCHASE OF ROAD AND BRIDGE MATERIALS.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two successive weeks, and public hearing scheduled on Tuesday, April 12, 2005, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:15 p.m.

By order: Jane Baynard
Jane Baynard, County Manager

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY TO AMEND CHAPTER 40, SECTION 40-7 OF THE DORCHESTER COUNTY CODE TO PROVIDE THAT EVERY COUNTY EMPLOYEE ENGAGED IN THE CONSTRUCTION OR MAINTENANCE OF COUNTY ROADS OR BRIDGES SHALL REPORT TO THE COUNTY HIGHWAY SUPERVISOR AND/OR PUBLIC WORKS DIRECTOR PURSUANT TO THE COUNTY'S RULES, REGULATIONS AND POLICIES, THE COUNTY HIGHWAY SUPERVISOR WILL REPORT DIRECTLY TO THE PUBLIC WORKS DIRECTOR WHO IS RESPONSIBLE TO THE COUNTY MANAGER AND COUNTY COUNCIL AND SHALL BE SUBJECT TO COUNTY PERSONNEL RULES, REGULATIONS AND POLICIES, ROADS DEPARTMENT EMPLOYEES SHALL BE PAID CONSISTENT WITH WAGES AND BENEFITS PROVIDED TO OTHER COUNTY EMPLOYEES AND AS SET FORTH IN THE COUNTY'S ANNUAL BUDGET, ROADS DEPARTMENT EMPLOYEES MAY FILE A GRIEVANCE IN ACCORDANCE WITH SECTION I.G. OF THE DORCHESTER COUNTY PERSONNEL RULES AND REGULATIONS AND TO AMEND SECTION 40-10 OF CHAPTER 40, MANAGEMENT AND CONTROL OF TEAMS AND ROAD EQUIPMENT, PURCHASE OF ROAD AND BRIDGE MATERIALS.

SECTION ONE: Acting under Article 25A, Section 5 (A) AND SECTION 5 (S) of the Annotated Code of Maryland (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 40, Section 40-7 of the Dorchester County Code be repealed and reenacted to read as follows:

§ 40-7. Regulations concerning County roads employees. [1961 Code, sec. 334; 1941, ch. 287; 1943, ch. 616; 1971, ch. 383; 1974, ch. 66, sec. 334; 1975, ch. 25]

- A. ~~Jurisdiction and control.~~ Every County employee engaged in the construction or maintenance of County roads or bridges shall ~~be under the exclusive jurisdiction and control of~~ report to the County Roads Engineer Highway Supervisor and/or Public Works Director, except as otherwise provided in this section, pursuant to the County's Rules and Regulations and policies. The County Highway Supervisor will report directly to the Public Works Director who is responsible to the County Manager and County Council. The County Highway Supervisor shall be subject to County personnel rules and regulations and policies.
- B. Compensation and benefits. These employees shall receive ~~not less than the hourly wage rate paid to state employees engaged in similar work on state highways in Dorchester County and shall be part of and included in the merit plan or system.~~ Benefits shall be part of the employee handbook, as amended annually the same benefits provided to other Dorchester County government employees and as set forth in the County's annual budget.
- C. Determination of vacation and sick leave. Each employee who has worked under the County Roads Engineer Highway Supervisor for at least one year shall receive the same vacation, with pay, at a time to be designated by the Engineer Supervisor, and shall be entitled also to the same sick leave, with pay, in each year ~~to which employees of the State Highway Administration with the same or similar classification are entitled.~~ as Dorchester County government employees.
- D. Effect of inclement weather on wages. Every employee who reports promptly for work at the state roads barns designated by the County Roads Engineer shall receive at least one-half (1/2) of a day's wages even though he does no work on that day because of inclement weather.
- E. Complaints or grievances. Any employee who has any complaint or grievance concerning the terms, conditions or procedures of his employment may file a grievance in accordance with Section I.G. of the Dorchester County Personnel Rules and Regulations. ~~take the complaint to the County Roads Engineer. The County Roads Engineer shall consider the complaint and answer promptly, either granting or not granting, in whole or in part, the remedy sought. The County Roads Engineer shall keep the County Roads Board informed generally concerning all complaints and their answers. If the complaining employee is dissatisfied with the decision of the County Roads Engineer, in whole or in part, he may appeal the matter~~

~~to the Secretary of Personnel and may avail himself of all the procedures and appeals provided generally for state employees under or pursuant to Article 64A, Merit System, of the Annotated Code of Maryland. The Secretary of Personnel shall notify the County Roads Engineer of the final decision under and pursuant to Article 64A, and the County Roads Engineer shall accept and conform to this decision.~~

SECTION TWO: Acting under Article 25A, Section 5 (A) AND SECTION 5 (S) of the Annotated Code of Maryland (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 40, Section 40-10 of the Dorchester County Code be repealed and reenacted to read as follows:

§ 40-10. Management and control of teams and road equipment; purchase of road and bridge materials. [P.L.L., 1930, Art. 10, sec. 466; 1961 Code, sec. 337; 1912, ch. 514, sec. 279C]

~~At all times while the teams and road equipment are engaged in the regular road work, they shall be under the exclusive control and management of the County Roads Engineer, but at all times when the team is not working, they shall be under the control and management of the County Council, and~~ It shall be the duty of the County Roads **Engineer Highway Supervisor and/or Public Works Director** to submit to the County Council for their information the price of all bridge and road material recommended by him to be purchased for use in the repair or rebuilding of the roads and bridges, as hereinbefore provided to be repaired and rebuilt, before same shall be purchased by the County Council and also the quantity, price and quality of food required for the teams. It is expressly understood that all materials, supplies, fees, equipment, etc., for use on the County roads and bridges are to be purchased by said County Council, and same shall be inspected and passed upon and all bills certified as correct by said County Roads **Engineer Supervisor** before being paid.

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Sections 40-7 and 40-10 of Chapter 40 in the Dorchester County Code accordingly.

SECTION FOUR: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that this Bill shall be known as Bill No. 2005- 5 of Dorchester County, Maryland and shall take effect on July 1, 2005.

PASSED this 12th day of April, 2005.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

APPROVED this 12th day of April, 2005.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

Bramble *up*
Yockey *up*
Elzey *up*
Flowers *up*
Nichols *up*

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