



# Town of Berwyn Heights

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## ***ORDINANCE 115 - PERSONNEL***

### **Section 1. Declaration of Policy**

- A. By virtue of the authority vested in the Town Council of Berwyn Heights by Article 23A of the Annotated Code of Maryland and Chapter VII of the Berwyn Heights Town Charter, there is hereby established a Personnel system for the Town of Berwyn Heights.
- B. This Personnel system is established for all present and future employees of Berwyn Heights, and shall provide the means to recruit, select, develop, advance, and maintain an effective and responsive work force on the basis of relative ability, knowledge requirements of the citizens of Berwyn Heights.
- C. All Personnel actions shall be taken without regard to race sex, religion, national origin, or political affiliation and shall be based on merit and performance.

### **Section 2. Scope**

- A. All offices and positions of the Town are divided into the exempt services and the career services. The exempt services shall include the following: All elected officials, persons employed as consultants rendering temporary professional services; persons employed part-time or on projects of limited duration; volunteer personnel and personnel appointed to serve without pay.
- B. The career service shall include all other full-time positions in the Town service that are not specifically placed in the exempt service by this Ordinance.
- C. When this Ordinance becomes effective, all employees holding positions in the career service shall have career status if they have held their positions for at least three (3) months immediately preceding the effective date of this Ordinance. All employees who have served less than three (3) months, or all new employees of the Town except police, shall become career employees upon successful completion of three (3) months of active duty. The first three months of service are considered a probationary period. The probationary period may be extended for cause by the Town Council. The following sections of this Ordinance apply only to the career service unless otherwise specifically provided.

### **Section 3. Administration**

- A. The Town Council shall:
  - 1. Establish qualification standards for all career and exempt service positions which

will retain employees on the basis of adequacy of performance.

2. Establish equal opportunity methods of recruiting, examining, investigating and determining the relative qualifications of all applicants and developing appointment procedures.
3. Establish probationary and tenure requirements for newly appointed or newly promoted employees in the career service.
4. Establish conditions of work such as duty hours, holidays, leave, compensation, fringe benefits, training and retirement plans.
5. Establish a position of classification plan for career service positions based on similarity of duties performed, responsibilities assumed, and tenure, so that the same pay schedule may be applied equitably to all positions in the same class.
6. Establish a plan for resolving employee grievances and complaints.
7. Establish employee disciplinary action procedures which shall provide a means of presenting such charges, hearing rights, and appeals procedures.

B. The Town Administrator shall:

1. Advise the Town Council on the efficient utilization of Human Resources.
2. Prepare an annual report for the Town Council which includes an evaluation of the Personnel system and suggested budget requirements for the following fiscal year.
3. Maintain the position classification plan for career service positions and recommend revisions to the Town Council.
4. Establish and maintain an employment record system.
5. Perform any lawful acts which may be necessary or desirable to carry out the intent and provisions of this Ordinance, or to execute the policies of the Town Council.

C. Departmental supervisors shall work in conjunction with the Town Administrator in advising the Council on the efficient utilization of Human Resources and shall perform any lawful acts necessary to execute the Personnel policies of the Town Council.

#### **Section 4. Agreements Authorized**

A. The Town Administrator, with the consent of the Town Council, is authorized and empowered to enter into reciprocal agreements with any public agency or body for purposes deemed of benefit to the public personnel system.

#### **Section 5. Political Activities**

A. No employee in the career service shall hold an elected or appointed office in the exempt service.

- B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any employee in the career service.
- C. Nothing herein contained shall affect the right of any employee to hold membership in the support of political party, to vote as he/she chooses, to express himself publicly or privately on all political subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

**Section 6. Unlawful Acts**

- A. No person shall make any false statements with regard to any test, certification or appointment made under any provisions of this Ordinance, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Ordinance and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment under this Ordinance, or furnish to any person any special privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the career service.

**Section 7. Penalties**

Violation of any provision of this Ordinance by an exempt or career employee except Town Councilmembers, may result in disciplinary action on the part of the Town Council up to and including suspension or dismissal. Town Councilmembers may be disciplined or dismissed only in accordance with the Berwyn heights Town Charter, Section 305 or 310.

**Section 8. Adoption and Amendments**

Personnel policies and procedures shall be adopted or amended by Resolution approved by a majority of Council members.

**Section 9. Severability**

Should any part of this Ordinance be held invalid, the Town Council declares that it would have adopted all other provisions notwithstanding such illegality of a part, and all remaining parts shall remain in effect.

Adopted: 6/10/1981  
Effective: 6/30/1981