

## ORDINANCE NO. O-2-11

Ordinance to Amend Chapter 17 of the City Code, Entitled "Personnel," so as to Delete Section 17-4 Entitled "Conflicts with Law Enforcement Officers' Bill of Rights," to Amend Section 17-9 Entitled "Filing an Appeal," and Section 17-10 Entitled "Consideration of Appeal; Setting Date for Hearing"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 17 of the City Code entitled "Personnel", is hereby amended to read as follows:

### Chapter 17 Personnel

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#### Article II. COMPENSATION AND BENEFITS

~~Sec. 17-4. Conflicts with law enforcement officers' Bill of Rights.~~

~~In the event of any conflict between this chapter and the Law Enforcement Officers' Bill of Rights (Article 24, sections 727 to 734D of the Annotated Code of Maryland), the latter shall prevail.~~

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#### Article III. APPEALS

Sec. 17-9. - Filing of appeal.

- a. All classified employees who have successfully completed their probationary period and have been suspended for more than three working days for a single event or for a total of more than three working days in a one year period, demoted, or dismissed from employment terminated may file an appeal in writing to the personnel review board and may request a hearing thereon. Such appeal shall state the pertinent facts relative to the action which is being

appealed and shall be signed by the employee and filed with the personnel review board within five (5) work days after receipt by the employee of the ~~notice of final action on~~ such suspension, demotion or dismissal ~~termination~~.

- b. This article shall not apply to sworn law enforcement officers as all disciplinary actions against sworn law enforcement officers shall be administered under the Law Enforcement Officers' Bill of Rights (Public Safety Article of the Annotated Code of Maryland §3-101 et. seq.).

Sec. 17-10. - Consideration of appeal; setting date for hearing.

~~If no request for hearing is contained in such appeal, the personnel review board, after making such investigation as it deems necessary, shall make and file with the city council its recommendation with reference thereto. If a request for hearing is contained in such appeal, a~~ A hearing shall be had ~~thereon on~~ on an appeal within twenty (20) work days after the filing of such appeal, at such time and place as shall be fixed by the personnel review board. Such hearing shall be closed to the public unless the employee shall request an open hearing in writing. If the employee makes such request, the board may determine whether the hearing will be open or closed to the public.

ADOPTED this 4<sup>th</sup> day of April, 2011 by the City Council of Gaithersburg, Maryland.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 4<sup>th</sup> day of April, 2011. APPROVED by the Mayor of the City of Gaithersburg, this 4<sup>th</sup> day of April, 2011.

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SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 4<sup>th</sup> day of April, 2011 and that the same was approved by the Mayor of the city of Gaithersburg on the 4<sup>th</sup> day of April, 2011. This ordinance will become effective on the 25<sup>th</sup> day of April, 2011.

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Angel L. Jones, City Manager

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>