

Resolution No.: 09-02-22

Introduced: 09-12-22

Adopted: 09-12-22

Effective: 09-26-22

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 3, “PERSONNEL CODE”, BY REPEALING AND REENACTING SEC. 3-2, “DEFINITIONS” AND SEC. 3-10, “SICK AND SAFE LEAVE”, TO AUTHORIZE EMPLOYEES WHO VOLUNTARILY TERMINATE EMPLOYMENT AFTER AT LEAST TEN YEARS OF SERVICE TO THE VILLAGE TO RECEIVE CERTAIN SICK LEAVE BENEFITS, AND TO MAKE CONFORMING CHANGES

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, §5-206 of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to provide a merit system for its officers and employees; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	:Indicate matter added in amendment
[Brackets]	:Indicate matter deleted in amendment

privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board adopted Chapter 3, “Personnel Code” to ensure that a personnel system for Village employees was established and maintained; and

WHEREAS, pursuant to §3-10(f) of the Village Code, an employee who retires is paid one (1) day's pay for every three (3) days of their unused, accumulated sick leave as of the date of retirement; and

WHEREAS, the Board has determined that it is in the public interest to amend §3-10(f) to clarify that it applies to any employee with at least ten (10) years of service who voluntarily terminates employment with the Village, to receive the said sick leave benefit, regardless of their position with respect to the Village’s retirement or pension plans; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the 12th day of September, 2022

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 3, “PERSONNEL CODE”, BY REPEALING AND REENACTING SEC. 3-2, “DEFINITIONS” AND SEC. 3-10. SICK AND SAFE LEAVE, TO AUTHORIZE EMPLOYEES WHO VOLUNTARILY TERMINATE EMPLOYMENT AFTER AT LEAST TEN YEARS OF SERVICE TO THE VILLAGE TO RECEIVE CERTAIN SICK LEAVE BENEFITS

SECTION 1.

BE IT ORDAINED AND ORDERED this 12th day of September, 2022, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206

of the Chevy Chase Village Charter, that Chapter 3, Personnel, Sec. 3-2, Definitions, be and it is hereby repealed, reenacted and amended to read as follows:

Sec. 3-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

* * * *

~~[Retirement: The point at which an employee may retire from a position of employment when age and length of service (minimum of ten (10) years), or physical disability, requirements for retirement have been met.]~~

* * * *

~~Voluntary separation: To voluntarily end employment with the Village [other than by retirement].~~

* * * *SECTION 2

AND BE IT FURTHER ORDAINED AND ORDERED, this 12th day of September, 2022, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 3, “Personnel Code”, Sec. 3-10, “Sick and safe leave”, be repealed, re-enacted and amended to read as follows:

Sec. 3-10 Sick and safe leave

(a) – (e) * * * *

(f) *Payment for unused sick leave.* ~~[Upon any retirement from the service of the Village]~~ An employee WHO VOLUNTARILY SEPARATES FROM EMPLOYMENT WITH THE VILLAGE AFTER AT LEAST TEN YEARS OF SERVICE shall be paid one (1) day's pay for every three (3) days of unused, accumulated sick leave as of the EFFECTIVE date of {his retirement} THE VOLUNTARY SEPARATION. Upon any other type of separation from Village employment, no payment shall be made for any unused accumulated sick leave.

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SECTION 3

AND BE IT FURTHER ORDAINED AND ORDERED, this 12th day of September, 2022, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

- (1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect on the 26th day of September, 2022, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Elissa Leonard, Chair
Board of Managers
Chevy Chase Village

ATTEST:

Shana R. Davis-Cook, Village Manager