



Bill No. 20-17
 Concerning: the Frederick County Personnel Rules
 Introduced: November 17, 2020
 Revised: _____ Draft No. _____
 Enacted: December 15, 2020
 Effective: February 13, 2021
 Expires: February 15, 2021
 Frederick County Code, Chapter _____
 Section(s) Personnel Rules

**COUNTY COUNCIL
 FOR FREDERICK COUNTY, MARYLAND**

By: Council Member Jessica Fitzwater

AN ACT to: Amend the Frederick County Personnel Rules to update the Frederick County Equal Employment Opportunity Policy

Executive: *Jan H. Wanda* Date Received: Dec. 22, 2020
 Approved: *[checkmark]* Date: 1/2/2021
 Vetoed: _____ Date: _____


By amending:
 Frederick County Code, Chapter, _____ Section(s) _____
 Other: Frederick County Personnel Rules

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

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Personnel Rules to update the Frederick County Equal Employment Policy and emphasize the policy's goal of encouraging a diverse workforce and removing barriers to the recruitment and hiring of qualified individuals by doing the following: adding sexual orientation, gender identity, and genetic information as protected groups, changing physical and mental handicap to physical and mental disability, change the timing of considering an applicant's criminal history, and disallowing salary history to be factored into an offer of employment.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.


M.C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

OK

SUMMARY OF PROPOSED PERSONNEL RULES BOOK CHANGES - 2020

COVER Change Amended date to new effective date.

TABLE OF CONTENTS Page numbers to be changed as necessary.

AFFIRMATIVE ACTION PLAN AND EEO POLICY

Resolution No. 87-19 as revised by The Board of County Commissioners October 6, 1987,
Frederick County Council November, 2014, and August *, 2020

I. POLICY STATEMENT

Frederick County values diversity and inclusion in its workforce and is an Equal Opportunity employer. The overall goal of the County's Equal Employment Opportunity policy is to foster and encourage a diverse workforce, and to eliminate barriers with regard to recruiting, hiring, promotion, training and retention of all qualified individuals.

To further its goal of equal opportunity in employment for all employees and prospective employees, and in the provision of all services, without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, sexual orientation, gender identity, genetic information, or physical or mental **[handicap]** disability (unrelated in nature and extent so as to reasonably preclude the ability to receive benefits from services or perform a job), (hereinafter referred to as "protected groups") Frederick County, Maryland (hereinafter referred to as the "County") states as its policy the following concerning these subjects under its jurisdiction:

A. No person shall be discriminated against on the basis of [~~race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, sexual orientation, gender identity, or physical or mental [handicap] disability~~] membership in a protected group in accordance with applicable local, State, and Federal law.

B. It will be the policy of the County to recruit, hire, train, evaluate, and promote persons in all job titles without regard to [~~race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, sexual orientation, gender identity, or physical or mental handicap~~] membership in a protected group, except where any of these characteristics are a bona fide occupational qualification.

C. The principle of Equal Employment Opportunity will always be an underlying basis for employment decisions.

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill

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D. All personnel actions and employment services including, but not limited to, compensation, benefits, transfers, performance evaluations, layoffs, return from layoff, training programs, tuition assistance, and social and recreational programs will be made available to, provided, and administered without regard to ~~[race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, sexual orientation, gender identity, or physical or mental handicap]~~ membership in a protected group.

E. All services will be publicized, made available to, and provided without regard to ~~[race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, sexual orientation, gender identity, or physical or mental handicap]~~ membership in a protected group.

F. The County will not consider a candidate's prior salary history as a basis for an offer of employment. The starting salary will be posted with each advertised County vacancy. Employment applications will not request salary history from any candidate, nor will the candidate be required to disclose prior salary history in any part of the hiring process. Hiring managers may not consider salary history that is voluntarily disclosed by a candidate as a basis for an offer of employment as one factor for pay above entrance. After a job offer has been extended, hiring managers may only consider salary history that is voluntarily disclosed by a candidate as one factor for a pay above entrance request.

G. The County will not require disclosure of prior criminal conviction history on employment applications. Criminal convictions are not an automatic bar to employment; however some Frederick County positions require the applicant to successfully pass a criminal background check. This requirement will be advertised in the job description as well as the position posting. The County may require an applicant to disclose during the first in-person interview with the applicant whether the applicant has a criminal record or has had criminal accusations brought against the applicant. Criminal history will be individually assessed on the specific job duties and relevant conviction history to include:

- The nature and gravity of the criminal offense and conduct;
- The time that has passed since the criminal offense and completion of sentence; and
- The nature of the offered County position

In the event the County fails to extend an offer of employment based solely on the results of a criminal background search, the County will notify the candidate who will be permitted a reasonable amount of time to dispute the results of the search before being given final notice of adverse action.

I Hereinafter used to designate and define those groups who are protected under applicable law from discrimination due to race, color, religion or creed, sex, national origin or ancestry, age,

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marital status, veteran status, sexual orientation, gender identity, genetic information, or physical or mental **[handicap]** disability.

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Affirmative Action Plan and EEO Policy (continued)

The County Executive has the ultimate responsibility for achievement of Equal Employment Opportunity in the County. The Director of Human Resources will manage the Plan. The Division Directors/Department Heads and Agency Directors shall implement the Plan and will be responsible to ensure that all services are provided and that all employees and prospective employees are treated in a non-discriminatory manner in accordance with the Plan.

A quarterly reporting and monitoring system will be established to insure the success of the Plan.

The cooperation and support of all employees and County officials is required to assure Equal Employment Opportunity in all County facilities and assuring the non-discriminatory provision of services.

A complete text of the Affirmative Action plan may be obtained from the Human Resources Department.

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