

**PERTAINING TO THE AMENDMENT OF CHAPTER 86 OF
THE CODE OF PUBLIC LOCAL LAWS OF CALVERT COUNTY**

WHEREAS, *Local Government Article*, Section 12-103 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to establish a merit system in connection with the appointment of all county officials and employees not elected or appointed under the Constitution or public general laws of the State;

WHEREAS, by Ordinance 42-09, the Board of County Commissioners did adopt a merit system that includes provision for compensation of appointed officers and employees, which is codified at Title 86 of the Code of Public Local Laws of Calvert County, Maryland, being Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”);

WHEREAS, the Board of County Commissioners have expressed a desire to consider amendment to the Work Rules of Chapter 86 of the Code, pertaining to incidents arising from the driving or operation of a vehicle, vessel or heavy equipment by employees, appointees and persons subject to the Work Rules at §86-5-102(X), and reporting to work under the influence of alcohol, intoxicants, or illegally use drugs or possess, sell, transfer, or purchase same, on County premises or work sites while on duty as prohibited at §86-5-102 (AA) of the Code;

WHEREAS, a public hearing regarding these amendments of Chapter 86 of the Code was duly advertised for two consecutive weeks before the public hearing held on June 14, 2022, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety, and welfare of the citizens of Calvert County, Maryland, to adopt the amendments to Chapter 86 of the Code set forth herein.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendment to Chapter 86 of the Code:

1. Section 86-5-102(X) to the Code shall be repealed, and, adopted in its place the following:

§ 86-5-102. Rules.

- X. Employees who are involved in an incident while driving: a vehicle or vessel owned, acquired by, or acquired with funds from the County; a personal vehicle while conducting County business; or operating heavy equipment, that results in personal injury, damage to a vehicle or any other property shall inform their Supervisor immediately and all employees and operators of vehicles or equipment who did or could have contributed to the incident shall submit to drug and alcohol testing to refute the presumption of being under the influence of drugs, alcohol, or both. Refusal to submit to drug and alcohol testing shall result in disciplinary action up to and including termination of employment, and may include restitution and reimbursement of all costs, charges, and expenses arising from the incident.

2. Section 86-5-102(AA) to the Code shall be repealed, and, adopted in its place the following:

§ 86-5-102. Rules.

AA. Employees shall not report to work under the influence of alcohol, intoxicants, or illegally use drugs or possess, sell, transfer, or purchase same, on County premises or work sites while on duty. Employees who are off duty are subject to any departmental order, oath or code of conduct which may address or prohibit these activities.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 86 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event, any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 28th day of June, 2022, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

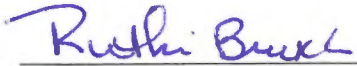
Aye: _____ 5

Nay: _____ ∅

Absent/Abstain: _____ ∅

ATTEST:

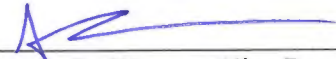
**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**



Ruthie Buckler, Acting Clerk



Earl F. Hance, President

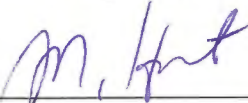


Steven R. Weems, Vice President



Christopher J. Gadway

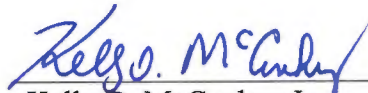
Approved for form and legal
sufficiency by:



Mike Hart



John B. Norris, III, County Attorney



Kelly D. McConkey Jr.

Received for Record... JUNE 28, 2022
at... 3:00 ... o'clock... P ... M. Same day
recorded in Liber KPS No. 68
Folio... 278-380 ... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

