



# Board of Directors Meeting Human Resources Committee

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**June 13, 2024**

**9:30 a.m.**

## **Agenda**

### **Board Members**

Robert L. Witt, II  
*Chair, HR Committee*

Hon. Frederic N. Smalkin

James H. Johnson Jr.,  
Ph.D., P.E.

Shelley Heller

Call to Order Robert Witt

Approval of Minutes – September 20, 2023 Robert Witt

Performance Based Compensation Charles Glass

- Salary Card adjustment

401K Contribution Hament Patel

Policies for review and approval: Stephanie Patton

- HR 3.09 Bereavement Leave (updated policy)
- HR 3.11 Family & Medical Leave (updated policy)
- HR 6.02 Performance Improvement Plan (PIP) (new policy)
- HR 7.01 Bullying in the Workplace (new policy)
- HR 8.01 Tuition Assistance (updated policy)
- HR 11.03 Whistleblower Complaint (updated policy)

Closed Session:

- Approval of Minutes – June 15, 2023
- Deputy Director Salary
- Administrative Function: Board Member Financial Disclosure review



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

**To:** Board of Directors

**From:** Charles Glass, Ph.D., P.E

**Date:** June 13, 2024

**Re:** Employee Performance Based Compensation for FY 2025

Maryland Environmental Service's employees have done excellent work in providing services to our clients and the citizens of Maryland. In appreciation for the dedication and hard work of the employees, taking into consideration the rising costs of living, and to provide wages comparable to entities similar to MES, I recommend the following salary increase for MES employees.

I recommend that MES employees receive performance-based compensation increases as outlined in the table below for FY 2025 based on the performance review for the period of April 1, 2023 to March 31, 2024, or applicable probationary period performance review. Employees who have not completed their probationary period as of March 31, 2024, will not be eligible for the salary increase.

These salary increases will be effective with the pay period beginning July 10, 2024.

Score	Percentage of Increase
2.99 and under	No PBC
3.0 - 3.49	3%
3.5 - 3.99	4%
4.0 - 5.0	5%

This salary increase will not be applicable to the Executive Director, Deputy Director, the attorneys of the Office of the Attorney General, and the employees of Chesapeake Bay Trust.

The salary card will be updated to reflect the maximum percentages approved by the Board for performance-based compensation.

Thank you.



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

**To:** Board of Directors

**From:** Charles Glass, Ph.D., P.E

**Date:** June 13, 2024

**Re:** \$ 1,500 MES Lump Sum Contribution to 401K Plan for MES Employees

Maryland Environmental Service's employees have done excellent work in providing services to our clients and the citizens of Maryland.

As of April 30, 2024, the financial performance of MES is exceptional as reflected in the financial statements. The billable labor is significantly more than FY 2024 budget due to the agency's very low vacancy rate. In addition, overhead expenses have been much lower than the budgeted amount. As a result, it is anticipated that net earnings of MES for FY 2024 will be significantly higher than expected.

Based on the financial performance as of April 30, 2024 and year-end projections for FY 2024, I recommend that eligible MES employees receive a \$ 1,500 lump sum contribution to their 401K account.

This 401K contribution will be awarded to all current MES employees except the employees who are participants in State Pension System, Chesapeake Bay Trust employees, interns and any MES employee who is not currently eligible for MES contribution to their 401K account. Part-time employees will receive a lump sum contribution prorated in proportion to the number of hours they are employed. MES will reduce the amount of the lump sum contribution if necessary to comply with applicable IRS regulations and the 401K Plan.

In accordance with Vanguard Plan Documents, this contribution will be awarded to the eligible employees on June 28, 2024, who are current active employees as of June 28, 2024 and were hired prior to May 28, 2024.

Thank you.



**Policy #:** 3.09  
**Policy Category:** Personnel Policies  
**Department Responsible:** Human Resources  
**Original Date:** 12/11/2017  
**Board of Directors Approval:** 12/11/2017  
**Last Edit:** 6/13/2024

## **LEAVE AND TIME OFF: BEREAVEMENT LEAVE POLICY**

### **I. SCOPE AND PURPOSE**

To define the policy and procedures of the Service with respect to bereavement leave.

To provide employees with paid bereavement leave.

### **II. POLICY STATEMENT:**

It is the policy of the Maryland Environmental Service to provide time off with pay for bereavement purposes.

### **III. PROCEDURES:**

#### **A. Death of a Family Member**

1. An employee may use up to 5 working days of sick leave in the event of the death of one of the following members of the employee's family:
  - a. Spouse
  - b. Children, including foster and stepchildren
  - c. Parents, stepparents, or foster parents of the employee or spouse, or others who took the place of parents
  - d. Legal guardians of the employee or spouse
  - e. Sibling of the employee or employee's spouse
  - f. Grandparents or grandchildren of the employee or spouse
  - g. Other relative living as a member of the employee's household
  
2. An employee may elect to receive up to 3 days of bereavement leave with pay, instead of using 3 of the 5 days that an employee is allowed to use upon the death of the following members of the employee's immediate family:
  - a. Spouse
  - b. Children, including foster and stepchildren
  - c. Parents, stepparents, or foster parents of the employee
  - d. Siblings of the employee
  - e. Grandparents or grandchildren of the employee
  
3. An employee may use 1 working day of sick leave in the event of the death of one of the following relatives of the employee:





Policy #: HR- 3.11  
Policy Category: *Personnel Polies*  
Department Responsible: *Human Resources*  
Original Date: 5/27/1999  
Board of Directors Approval: 5/27/1999  
Last Edit:

## LEAVE AND TIME OFF - FAMILY LEAVE

### I. SCOPE AND PURPOSE

To comply with the Family and Medical Leave Act of 1993 (“FMLA”). The FMLA allows employees to balance their work and family life by taking a reasonable amount of leave for certain family and medical reasons. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of the Service, and minimizes the potential for employment discrimination on the basis of gender, while promoting equal employment opportunity for men and women.

### II. POLICY

It is the policy of the Service to allow eligible employees to utilize up to a total of 12 workweeks of available paid leave, unpaid leave, or a combination of paid and unpaid leave in any 12-month period~~each calendar year~~ for the following reasons:

- A. The birth or adoption of a child.
- B. To care for a seriously ill member of the employee’s immediate family (parent, child, adult child who cannot care for himself or herself or spouse).
- C. For the employee’s own serious illness.
- D. Effective January 28, 2008, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may utilize up to a total of 26 workweeks of leave in a single 12-month period for the following reason:
  - 1. To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.
  - 2. An employee may be entitled to a combined total of 26 workweeks in a single 12-month period when using family leave under A through D of this section.

### III. PROCEDURES

#### A. Eligibility

To be eligible for FMLA leave, an employee must:

- 1. Have been employed by the Service at least 12 months.
- 2. Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.

**B. Leave Entitlement**

1. The Service shall allow an eligible employee to utilize up to a total of 12 workweeks of available paid leave, unpaid leave, or a combination of paid leave and unpaid leave, ~~each calendar year~~ in a 12-month period for one or more of the following reasons:
  - a. For the birth of a son or daughter, and to care for the newborn child.
  - b. For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child.
  - c. To care for an immediate family member (spouse, child, adult child who cannot care for himself or herself, or parent - but not a parent “in-law”) with a serious health condition.
  - d. When the employee is unable to work because of a serious health condition. The serious health condition may include work related injuries or illnesses.
2. Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.
3. Spouses who are both employed by the Service shall be limited to a **combined** total of 12 workweeks of family leave (or 26 workweeks for Servicemember Family Leave) for the following reasons:
  - a. Birth and care of a child.
  - b. For the placement of a child for adoption or foster care, and to care for the newly placed child.
  - c. To care for an employee’s spouse, child, or parent who has a serious health condition, or an adult child who cannot care for himself or herself.
4. An employee may utilize any available paid leave to include: annual leave, personal leave, - sick leave and compensatory leave, or unpaid leave, or a combination of both paid leave and unpaid leave, for Family Leave. An employee on unpaid FMLA (leave that is not paid leave) is not entitled to the accrual of leave benefits that an employee who remained continuously at work would have received. An employee who is on unpaid FMLA leave does not receive payment for holiday that occurs during the period of unpaid leave.

**C. Serious Health Condition**

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with inpatient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility.
2. A period of incapacity requiring absence of more than three consecutive calendar days from work that also involves continuing treatment by (or under the supervision of) a health care provider.
3. Any period of incapacity due to pregnancy, or for prenatal care.
4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.).
5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.).
6. Any absences to receive multiple treatment (including any period of recovery that follows) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

**D. Intermittent / Reduced Schedule**

1. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.
2. Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill member of the employee's immediate family, or because of the employee's serious health condition.
3. Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the Service's approval.
4. A Servicemember Family Leave absence may be taken intermittently or on a reduced schedule if medically necessary.
5. Employees needing an intermittent/reduced schedule for *foreseeable medical* treatment must cooperate with their supervisor to schedule the leave so as not to unduly disrupt the Service's operations. In such cases, the Service may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.
6. For an employee who works a part-time schedule, the amount of Family Leave which an employee may utilize on an intermittent or reduced leave basis will be determined on a pro rata basis by comparing the new schedule with the employee's normal schedule.

**E. Notice**



1. Eligible employees seeking to use FMLA leave shall be required to provide the employee's supervisor with:
  - a. 30-day advance notice of the need to take FMLA leave when the need is foreseeable.
  - b. Notice "as soon as practicable" when the need to take FMLA leave is not foreseeable ("as soon as practicable" generally means at least verbal notice to the Service within two business days of learning of the need to take FMLA leave).
  - c. Sufficient information for the Service to understand that the employee needs leave for FMLA-qualifying reasons (the employee need not mention FMLA when requesting leave to meet this requirement, but may only explain why the leave is needed).
  - d. Where the Service was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA leave, timely notice (generally within two business days of returning to work) that leave was taken for an FMLA-qualifying reason.
2. The employee's supervisor should forward all notifications to the [supervisor's Manager Director Human Resources Department](#) who will coordinate ~~with and manage~~ the [FMLA Deputy Director leave](#).

**F. Service Notices**

1. A supervisor shall immediately notify the [Human Resources Department Supervisor's Managing Director or designee](#) when an employee's use of leave or request for leave qualifies to be designated FMLA leave. ~~The Managing Director or designee shall then consult with the Deputy Director.~~ The Service shall provide a written notice [of eligibility to designating designate](#) the leave as FMLA leave and detailing specific expectations and obligations of an employee who is exercising his/her FMLA entitlements.
2. This Service notice shall be provided to the employee within two business days after receiving the employee's notice of need for leave and include the following:
  - a. That the leave will be counted against the employee's annual FMLA leave entitlement.
  - b. Any requirements for the employee to furnish medical certification and the consequences of failing to do so.
  - c. The employee's right to elect to use accrued paid leave for unpaid FMLA leave and whether the Service will require the use of paid leave, and the conditions related to using paid leave.

- d. Any requirement for the employee to make co-premium payments for maintaining group health insurance and the arrangement for making such payments.
  - e. Any requirement to present a fitness-for-duty certification before being restored to his/her job.
  - f. Rights to job restoration upon return from leave.
  - g. Employee's potential liability for reimbursement of health insurance premiums paid by the Service during the leave if the employee fails to return to work after taking FMLA leave.
3. The Service shall not designate a leave as FMLA leave after the employee has returned to work except:
- a. If the employee was absent for an FMLA reason and the Service did not learn the reason for the absence until the employee's return (e.g., where the employee was absent for only a brief period), the Service may, upon the employee's return to work, promptly (within two business days of the employee's return to work) designate the leave retroactively with appropriate notice to the employee. If leave is taken for an FMLA reason but the Service was not aware of the reason, and the employee desires that the leave be counted as FMLA leave, the employee must notify the Service within two business days of returning to work of returning to work of the reason for the leave. In the absence of ~~the such~~ timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.
  - b. If the Service knows the reason for the leave but has not been able to confirm that the leave qualifies under FMLA, or where the Service has requested medical certification which has not yet been received or the parties are in the process of obtaining a second or third medical opinion, the Service should make a preliminary designation, and so notify the employee, at the time leave begins, or as soon as the reason for the leave becomes known. Upon receipt of the requisite information from the employee or of the medical certification which confirms the leave is for an FMLA reason, the preliminary designation becomes final. If the medical certification fails to confirm that the reason for the absence was an FMLA reason, the Service must withdraw the designation (with written notice to the employee).

**G. Medical Certification**

1. The Service requires that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider.

2. The medical certification must utilize U.S. Department of Labor form WH-380 which can be obtained from Human Resources.
3. When the leave is foreseeable and at least 30 days' notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Service within the time frame requested by the Service (which shall be at least 15 calendar days later), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. If the medical certification is not obtained within that reasonable time period, the employee will be considered to be on unauthorized leave, which may result in disciplinary action.
4. In most cases, the Service requires that an employee furnish certification from a health care provider at the time the employee gives notice of the need for leave or within two business days thereafter, or, in the case of unforeseen leave, within two business days after the leave commences.
5. At the time the Service requests certification, the Service shall also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. The Service shall advise an employee whenever the Service finds a certification incomplete, and provide the employee a reasonable opportunity to cure any such deficiency.
6. The Service may request the employee to obtain subsequent re-certifications if:
  - a. The employee requests an extension of leave.
  - b. Circumstances described by the original certification have changed significantly.
  - c. The Service learns of facts that call into question the continuing validity of the certification.
7. The Service may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The Service may choose the health care provider for the second opinion, except that in most cases the Service may not regularly contract with or otherwise regularly use the services of the health care provider.
8. If the opinions of the employee's and the Service's designated health care providers differ, the Service may require the employee to obtain certification from a third health care provider, again, at the Service's expense. This third opinion

shall be final and binding. The third health care provider must be designated jointly by the Service and the employee.

9. The Service shall provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within two business days unless extenuating circumstances prevent such action.
10. The Service shall reimburse an employee or family member for any reasonable “out of pocket” travel expenses incurred to obtain the second and third medical opinions. The Service shall not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.
11. In circumstances when the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the Service shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country.

**H. Maintenance of Health Insurance Benefits**

1. The Service will continue to maintain group health insurance coverage for an employee on unpaid FMLA leave.
2. Pursuant to written procedures of the Service, the employee shall pay the employee’s share of health insurance premiums while on unpaid leave.
3. If the employee fails to return to work at the end of the leave, the Service may recoup the premiums paid for maintaining health insurance coverage.
4. Health insurance costs are not recouped when the employee fails to return to work due to a continuation or recurrence of a serious health condition.

**I. Other Benefits**

1. An employee who is a member of the Maryland State Retirement [and Pension](#) System may be eligible for continued benefits as a member of such a System while on unpaid FMLA leave. The availability of such benefits will be determined in accordance with the laws, regulations and policies of the Maryland State Retirement Agency.
2. While an employee is on unpaid FMLA leave, the Service will discontinue payroll deduction (if applicable) and Service contributions to the employee’s Retirement Savings Plan Account. The employee may continue to contribute to the Retirement Savings Plan Account at the employee’s own expense.

3. While an employee is on unpaid FMLA leave, the employee does not accrue paid leave and is not eligible for Holiday pay.
4. While an employee is on FMLA leave, the employee’s seniority is protected. In addition, an employee’s use of FMLA leave will not result in the loss of any employment benefit accrued prior to the date the leave began.

**J. Job Restoration**

1. Except as otherwise provided herein, upon return from FMLA leave, an employee shall be restored to his or her original job or to an “equivalent” job.
2. The Service may deny reinstatement to the employee’s original job, or to an equivalent job, if the employee’s employment would have ended or been changed for reasons unrelated to the FMLA leave.
3. If the employee has been on a workers’ compensation absence during which FMLA leave has been taken concurrently, and after 12 weeks of leave the employee is unable to return to work, the employee no longer has the protections of FMLA and must look to the workers’ compensation statute or ADA for any relief or protections.
4. If the employee is unable to perform an essential function of the employee’s position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position. The Service shall provide reasonable accommodation to the employee in accordance with the Americans with Disabilities Act [and applicable State law](#).

**IV. RELATED POLICY AND PROCEDURE LINKS**

N/A

**V. REVISION HISTORY**

Version	Date of Change	Section	Description of Change
.001	5/27/1999	Full Document	Initial adoption
.002	6/13/2024	§5 & 6	New notice provisions. Entire doc – new format



**Policy #:6.02**  
**Policy Category:** Personnel Policies  
**Department Responsible:** Human Resources  
**Original Date:** 6/13/2024  
**Board of Directors Approval:**  
**Last Edit:**

## **DISCIPLINE/APPEAL: PERFORMANCE IMPROVEMENT PLAN POLICY**

### **I. SCOPE AND PURPOSE**

To define the Service's policy on implementing performance improvement plans and identify the proactive measures a manager may take to address an employee's unsatisfactory performance, attendance, or behavior. The performance improvement plan (PIP) is a formal document intended to address unsatisfactory performance areas and outline a path to improvement for the employee.

### **II. POLICY STATEMENT:**

It is the intent of Maryland Environmental Service (MES) to fairly assess the performance of its employees and to provide opportunities for improvement where possible. A performance improvement plan (PIP) should be developed for any employee whose overall Employee Performance Review rating is "Below Expectations". Additionally, MES may implement a PIP for an employee whenever it is necessary to address any unsatisfactory performance.

The PIP is not intended to be a form of punishment but rather a way to identify and address performance gaps, provide an employee with coaching and feedback, and to align goals and expectations. An employee placed on a PIP will have 3 months to improve their performance. If performance has not improved, the PIP may be extended for an additional 3 months, at the discretion of the manager, or the employee may face disciplinary action, up to termination. If a PIP is implemented in coordination with extending an employee's probationary period, the employee will have a maximum of 3 months to satisfy the PIP, or the employment will be terminated. Employees that are currently on a PIP are not eligible for telework, regardless of previous arrangements.

### **III. MANAGEMENT RESPONSIBILITIES**

It is the duty of the manager to fairly assess their employees' performance and to provide an opportunity for improvement, where possible, when performance is unsatisfactory. The manager must formally document performance concerns while providing the employee with a reasonable timeframe to improve performance.





**Policy #:** 7.01  
**Policy Category:** Personnel Policies  
**Department Responsible:** Human Resources  
**Original Date:** 6/13/2024  
**Board of Directors Approval:**  
**Last Edit:**

## **EMPLOYEE CONDUCT: BULLYING IN THE WORKPLACE POLICY**

### **I. SCOPE AND PURPOSE**

To define the Service policy prohibiting Bullying in the Workplace.

### **II. POLICY STATEMENT:**

It is the intent of Maryland Environmental Service (MES) to ensure that bullying is not tolerated. Where it is found to have occurred, it will be dealt with in an appropriate manner, which may include the imposition of disciplinary action, up to and including termination from MES.

### **III. DEFINITION OF WORKPLACE BULLYING:**

A. Intentional, persistent, malicious, unwelcome, severe, or pervasive conduct that harms, intimidates, offends, degrades, or humiliates an employee, whether verbal (including written or electronic) or physical, at the place of work or in the course of employment. Workplace bullying is behavior that a reasonable person would find to be hostile, offensive, and not related to an employers' legitimate business interests. Examples of workplace bullying include, but are not limited to:

1. Personal attacks (angry outbursts, excessive profanity, or name-calling)
2. Personal insults and use of offensive nicknames
3. Public humiliation
4. Encouragement of others to turn against the targeted employee
5. Spreading rumors and gossip about the targeted employee
6. Sabotage of a coworker's work product or undermining of an employee's work performance
7. Threats of abuse to an individual or an individual's property (defacing or marking up property)
8. Being unjustifiably offensive toward fellow employees, wards of the State, or the public
9. Making threats about job security without foundation, an
10. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets

B. Bullying conduct does not include:

1. A single incident of unreasonable behavior
2. Disciplinary action taken in accordance with applicable law, regulations, or policy
3. Routine coaching and counseling, including feedback about and correction of work performance or conduct



4. Exercising management's prerogative to appoint, promote, transfer, or reassign and employee, to direct or assign work, and to determine and redetermine the methods and means by which an agency's functions will be carried out
5. Individual differences in styles of personal expression which may lead to conflict, provided that the expression is not meant to intimidate, and
6. Having differences of opinion on work-related concerns

#### **IV. MANAGEMENT RESPONSIBILITIES**

It is the duty of every manager and supervisor to immediately report to Human Resources any incident of workplace bullying that is witnessed by the manager or supervisor or brought to their attention by another employee, a contractor, or a client of MES.

#### **V. PROCEDURES**

##### **A. Filing a Complaint**

An employee who feels they have been a victim of bullying that is not because of the individual's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliations, belief or opinion, sex, sexual orientation, or any other protected status, should file a complaint with Human Resources.

##### **B. HR Response to Complaint.**

Upon receiving the complaint, Human Resources shall investigate the complaint in the following manner:

1. Meet with the complainant in a confidential setting to solicit information that the complainant believes is pertinent to the charge of workplace bullying. During this meeting, the individual charged with investigating the complaint shall:
  - a. Listen to the concerns being expressed by the complainant with an open mind
  - b. Ask open-ended questions to solicit as much information as possible
  - c. Ask whether there were any witnesses to the incidents being complained of
  - d. Consider any documentary evidence the complainant may provide, and,
  - e. Explain the next steps to the complainant
2. Meet with any witnesses to the incidents being complained of.
3. Meet with the employee(s) against whom the complaint was lodged and provide them with a summary of the allegations.

##### **C. Results of Investigation**

1. Within 30 days of the date the complaint is submitted, Human Resources shall meet with the complainant, investigate the complaint, and make a recommendation to the Managing Director of Administration.
  - a. Human Resources shall issue a written decision to the complainant and may grant any appropriate relief.
  - b. The decision may be a dismissal of the complaint or a finding that a violation has occurred.
2. In addition to, or in lieu of, discipline, Human Resources, as appropriate, may recommend to the Executive Director that the agency exercise management's prerogative to reassign an individual who has filed a complaint upon request of the





**Policy #:** 8.01  
**Policy Category:** Human Resources  
**Department Responsible:** Training and Development  
**Original Date:** 08/15/1996  
**Board of Directors Approval:** 06/22/2023  
**Last Edit:** 06/15/2023

## **TRAINING & DEVELOPMENT: TUITION ASSISTANCE PROGRAM**

### **I. SCOPE AND PURPOSE**

- To motivate and provide financial assistance for those employees interested in enhancing their knowledge, skills, and career development
- To provide the Maryland Environmental Service with a continuous supply of qualified technical and management talent to meet the needs of an ever-changing marketplace
- To prepare employees for possible or actual increased responsibility
- To provide opportunities for employees to develop to their full potential, capacity, and proficiency

### **II. POLICY STATEMENT**

It is the policy of the Maryland Environmental Service to provide developmental opportunities to all employees and to support efforts that broaden knowledge and expertise for a well-trained and focused workforce. The payment or reimbursement of funds will be considered for training specifically related to obtaining a high school equivalency diploma, or the College credited courses that relate to the employee's work or career development plan (program of study). Career development plan (or program of study) is defined as a prescribed number of required and elective courses that may also include co-operative work experiences and/or internships that are counted toward the completion of a high school equivalency diploma or an undergraduate or graduate college degree, continuing education certification, or other letter of recognition of completion of study. Advance payment or reimbursement for tuition will be subject to the availability of funds.

### **III. PROGRAM DEFINITION**

- A. Maryland Environmental Service supports employees who wish to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the Service has established an assistance program for expenses incurred through accredited institutions of learning. The

Managing Director of each Group in consultation with the Human Resources Division will approve an employee's program of study for accreditation purposes.

- B. Since this is a voluntary program, employees must take the initiative to apply for and participate in this assistance program.
- C. Qualifying and participation is subject to evaluation by the Service. The tuition assistance program is intended to enhance employee knowledge and skills relative to their current position or to prepare the employee for career advancement within the Service.
- D. Participation in the program will not guarantee an employee a promotion or preferred treatment for promotions or assignments.
- E. The Chief of Human Resources will be responsible for the administration of the tuition assistance program and will ensure that the program operates within the stated policy.

**IV. ELIGIBILITY CRITERIA**

- A. Full and part-time employees are eligible upon successful completion of their probation. Temporary and student employees are not eligible.
- B. An employee must successfully complete his/her period of probationary employment with the Service before being eligible to participate in the tuition assistance program.
- C. Courses eligible for tuition assistance must be relevant to the Service's needs, except that courses required for degree attainment will be relevant for purposes of meeting eligibility requirements. An employee is encouraged to, where possible, take courses relevant to the Service, when taking elective courses.
- D. Termination of employment for any reason will automatically and immediately cancel eligibility and participation in the tuition assistance program.

**V. PROGRAM LIMITATIONS**

- A. Tuition assistance is based on the Internal Revenue Services' (IRS) maximum dollar amount (as of May 2023) in the amount of \$5,250.00 per year) per employee. Employees may request, either by advance or reimbursement, up to the maximum annual IRS dollar amount, for continuing education through an accredited program that either offers growth in an area related to his/her current position or might lead to promotional opportunities. This includes college credit courses, continuing education unit courses, seminars, and examinations. The employee must secure a passing grade of "C" or better for undergraduate credit courses and a "B" or better for graduate credit courses. If a letter grade is not awarded, proof of successful completion of the course or certification must be

provided. An employee who does not achieve the minimum required grade must repay the Service any tuition assistance provided for that course.

- B. Employees, who receive advanced tuition assistance, must provide proof of payment for the course and a copy of the final grade or certification, which shows hours or certification achieved, no later than 15 working days after a final grade has been made available to the employee. If validation of completion for the course or certification is not received by the Human Resources Division within the 15 workdays after a final grade has been made available to the employee, a deduction will be made from the employees' payroll check in an amount sufficient to cover the advance tuition assistance.
- C. College courses must be taken on the employee's own time and must not interfere with work assignments and performance.
- D. Requests for tuition assistance must be submitted by the employee to the Service's Human Resources Division at least 20 working days prior to the first-class meeting. The request must be approved by the employee's Group Managing Director and Human Resources Division before the employee can be eligible for tuition assistance.
- E. Eligible employees may receive tuition assistance for approved courses up to 100% of full tuition costs and registration fee not exceeding the annual dollar limit allowed by Internal Revenue Service (IRS).
- F. The tuition assistance may be used for lab fees and books.
- G. The Service may provide tuition assistance for up to 15 credits per calendar year and up to four courses per semester for an accelerated curriculum. For example, a college may offer a 3-credit hour course in a 7-week period.
- H. An employee may receive tuition assistance prior to attending the approved course. To qualify for tuition assistance, an employee must, upon completion of the class, provide proof of their final grade, a C or above for undergraduate credit courses and grade of B or above for graduate credit courses to the Human Resources Division, within 15 workdays after receiving notice of their grades. Employees who do not submit proof of grade, will have an automatic deduction from their payroll check, in the amount of the initial advanced tuition assistance.
- I. If letter grades are not awarded, evidence that the employee has passed the course must be provided to the Service within 15 workdays after the employee was notified the employee passed the course.
- J. An employee who is separated from employment with the Service, for any reason, within (1) one year of completion of a college credit course for which the Service has provided tuition assistance, shall be required to reimburse the Service for the entire cost of the tuition paid for a college credit course in which the employee

was enrolled during the previous twelve (12) months. Exceptions may be made by the Executive Director or Executive Director's Designee for hardship cases. Employees who fail to repay MES in full for tuition balances owed will not be eligible for rehire and are considered to have not left in good standing. Good standing can be achieved by paying the past tuition balance in full.

- K. Employees pursuing an undergraduate college degree may enroll in a program of study that is not directly related to his/her job duties or job classification if it is relevant to the Service's overall needs. Employees enrolling in a graduate program of study must demonstrate that the program of study is directly related to his/her job duties/classification and/or the Service's overall needs.
- L. The Service will provide funding assistance for an employee to participate in not more than one undergraduate college program of study, and not more than one graduate master's degree or doctoral degree program of study.
- M. Employees who are requesting reimbursement for a course must do so within 6 months of course completion.
- N. Employees who are currently repaying the Service for failed or dropped courses are not eligible to request additional tuition assistance until the prior obligation is repaid in full.

## VI. APPLICATION PROCEDURES

- A. Tuition Assistance Program Application
  1. An employee meeting the eligibility criteria may apply for tuition assistance by submitting a completed application at least 20 working days prior to the first-class meeting.
  2. The employee submits the application to Human Resources for review. The application will then be forwarded to the Group Managing Director for approval.
  3. If the application is disapproved, the employee will be advised immediately by the Human Resources Division indicating the reason(s) for the disapproval.
  4. Approval notification is forwarded to the Accounts Payable Department, by the Human Resources Division for advance payment to the employee, if sought.
  5. If the employee does not choose to receive payment in advance for tuition assistance, the application will be kept in the employees' training file until completion of the course. The employee must, within 6 months upon completion of the course, submit a request for reimbursement.
- B. Semester Course(s) Approval and Reimbursement Request (SCARR)

1. After approval of entry into the Tuition Assistance Program, the employee will submit the SCAAR form and all applicable backup to Human Resources. HR will review and submit all documentation to the Group Managing Director for funding approval. Tuition assistance is eligible for advanced payment if the SCAAR is submitted at least two weeks before classes begin. Otherwise, the employee will be eligible to be reimbursed once the course is successfully completed and proof of completion and grades is timely submitted to Human Resources.
  2. Human Resources will notify the employee of approval. If the course(s) are not approved, the employee will be advised immediately and told the reasons for disapproval.
  3. The original SCARR Form will be filed in the employee’s tuition file in Human Resources.
- C. Upon completion of the course, HR will complete the bottom portion of the SCARR form, once the following is forwarded to Human Resources:
1. Copy of the final grade, transcript, or other official grade indicator; and
  2. Original school tuition receipt, cancelled check, charge receipt, etc.
- D. If not approved, the employee will be immediately notified and told the reasons for disapproval.
- E. A new SCARR form must be submitted and approved prior to each semester that the employee intends to take course(s).

**VII. RELATED POLICY AND PROCEDURE LINKS**

*Links*

**VIII. REVISION HISTORY**

<b>Version</b>	<b>Date of Change</b>	<b>Section</b>	<b>Description of Change</b>
.001	08/15/1996	Full Document	Initial adoption
.002	09/30/2004	Full document	Regulatory changes to program
.002	10/28/2021	Full Document	New policy format
.003	06/22/2023	II and IV	Advanced payment clarified; forms removed
.004	6/13/2024	V	Tuition repayment consequences clarified



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## **EQUAL EMPLOYMENT OPPORTUNITY: WHISTLEBLOWER COMPLAINT POLICY**

### **I. SCOPE AND PURPOSE**

To set forth the Maryland Environmental Service whistleblower complaint process.

### **II. POLICY STATEMENT:**

Pursuant to the Maryland Personnel and Pensions Article, Title 5, Subtitle 3 Maryland Whistleblower Law in the Executive Branch of State Government, it is the policy of the Maryland Environmental Service (“MES”) to have a comprehensive whistleblower complaint process for all employees of the Service. A supervisor, manager, or executive of the MES may not take any personnel action as a reprisal against an employee who is a Whistleblower, submits a Whistleblower Complaint or who participates in the Whistleblower Complaint process.

### **III. DEFINITIONS**

Whistleblower is an employee of MES who exposes information or activity within the MES that the employee reasonably believes evidences an abuse of authority, gross mismanagement or gross waste of money, a substantial and specific danger to public health or safety, or a violation of law (collectively or individually “Prohibited Act”). A Whistleblower Complaint is a written complaint by an employee alleging that a personnel action was taken in retaliation against the employee for the employee’s disclosure of a Prohibited Act.

### **IV. POLICY**

See Item II above.

### **V. PROCEDURES:**

- A. An employee may submit a Whistleblower Complaint to either the Service’s Equal Employment Opportunity (EEO) Office or the ~~Deputy Director~~[Human Resources Department](#).
- B. An employee may also file a Whistleblower Complaint with the Secretary of Budget and Management (“Secretary”) as provided in Section 5-309 of the State Personnel and Pensions Article. If MES receives a complaint through the Secretary, the Executive Director will respond to the Secretary in writing to the Whistleblower Complaint within 20 days after receiving a copy of the complaint.



- C. The Whistleblower Complaint must be based upon personnel action taken against the employee in reprisal for the employee's disclosure of what he or she reasonably believes constitute:
1. an abuse of authority, gross mismanagement, or gross waste of money;
  2. a substantial and specific danger to public health or safety; or
  3. a violation of law.
- D. The Whistleblower Complaint must contain the following information:
- full name, address, and contact information of the complainant;
  - the full name, address, if available, and department information of the person (s) against whom the complaint is made;
  - a clear concise statement of facts constituting the alleged act(s) of impropriety;
  - date or dates of alleged unlawful personnel actions; o a statement detailing the disclosure of information and when and to whom the disclosure was made;
  - the complaint must be signed and dated by the complainant.
- E. The employee may complete a Whistleblower Complaint form and submit it to the EEO Officer or [Deputy Director Human Resources Department](#). Forms may be obtained on the MES Intranet or from the EEO Office.
- F. An employee must submit a written Whistleblower Complaint within 6 months after the employee first knew of or reasonably should have known that a personnel action was taken in retaliation against the employee for the employee's disclosure of a Prohibited Act.
- G. Within 10 days after receiving a Whistleblower Complaint the Executive Director shall notify the Board of Directors of the complaint. Within 60 days after MES receives a Whistleblower Complaint, the complaint shall be investigated by the EEO Officer, [Human Resources Department](#), or the Director's designee to determine whether a violation of this Policy has occurred. The results of the investigation shall be provided to the Executive Director. Within a reasonable time after the investigation has concluded, the Executive Director shall issue a written decision to the involved parties.
- H. Results of investigation:
1. If the EEO Officer, [Human Resources Department](#), or the Executive Director's designee determines that a violation of this Policy has not occurred, the Executive Director shall dismiss the complaint.
  2. If the EEO Officer, [Human Resources Department](#), or the Executive Director's designee determines that a violation of this Policy has occurred, the Executive Director shall take appropriate remedial action.

