

Amendment 1 to Council Bill No. 14-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 4
Date: April 2, 2018

Amendment No. 1

(This amendment corrects how the current law is reflected and makes a technical correction.)

- 1 On page 3, in line 12, strike “Non-Disciplinary” and substitute “NON-DISCIPLINARY”.
- 2
- 3 On page 3, in line 14, strike the second “SUBSECTION” and substitute “SECTION”.

ADOPTED 6/4/18

FAILED _____

SIGNATURE Jessica Feldman

Amendment 5 to Council Bill 14-2018

BY: Greg Fox

Legislative Day No: 5

Date: May 7, 2018

Amendment No. 5

1 *(This amendment proposes changes to the bill to specify who may provide a medical evaluation*
2 *and proposes parameters for a third medical evaluation).*

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4
5
6 On page 3, in line 16, strike “PHYSICIAN OR MENTAL HEALTH PROVIDER” and substitute
7 “HEALTH CARE PROVIDER”.

8
9 On the same page, in line 18, strike the semi-colon, and substitute the following:

10 “. FOR THE PURPOSES OF THIS SECTION, HEALTH CARE PROVIDER MEANS A
11 LICENSED DOCTOR OF MEDICINE OR OSTEOPATHY WHO IS AUTHORIZED TO
12 PRACTICE MEDICINE OR SURGERY AS WELL AS LICENSED PODIATRISTS, DENTISTS,
13 CLINICAL PSYCHOLOGISTS, CLINICAL SOCIAL WORKERS AND OPTOMETRISTS;”.

14
15 On the same page, in line 24, strike “OPINION ON” and substitute “EVALUATION OF”. Also,
16 in the same line, strike “BEFORE AN”.

17
18 On the same page, in line 25, before “EMPLOYEE”, insert “(1) BEFORE AN”.

19
20 On the same page, in line 26, strike “MEDICAL OPINION ON” and substitute “EVALUATION
21 BY A HEALTH CARE PROVIDER OF”.

22
23 On the same page, in line 27, strike “OPINION” and substitute “EVALUATION”.

1 On the same page Starting on page 3, in line 28, strike “OBTAIN A THIRD MEDIAL OPINION,
2 FROM AN INDEPENDENT SOURCE, AND THE COUNTY SHALL RELY ON THE THIRD
3 OPINION IN ITS DETERMINATION UNDER THIS SECTION.” and substitute the following:

4 “ACCEPT THE SECOND EVALUATION OR THE COUNTY MAY SEEK A THIRD
5 EVALUATION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

6
7 (2) THE COUNTY SHALL PAY FOR ALL COSTS INCURRED FOR THE SECOND
8 EVALUATION IF:

9 (i) THE COST OF THE SECOND EVALUATION IS NOT COVERED BY THE
10 EMPLOYEE’S HEALTH INSURANCE; AND

11 (ii) THE EMPLOYEE DEMONSTRATES THAT THE EMPLOYEE CANNOT
12 AFFORD THE COST OF THE SECOND EVALUATION.

13
14 (F) THIRD EVALUATION. IF THE COUNTY DETERMINES THAT A THIRD EVALUATION IS
15 NECESSARY, THE COUNTY SHALL OBTAIN A THIRD EVALUATION FROM AN
16 INDEPENDENT, BOARD CERTIFIED HEALTH CARE PROVIDER:

17 (1) WHO SHALL BE MUTUALLY AGREED TO BY THE EMPLOYEE AND THE
18 COUNTY;

19 (2) WHOSE COSTS SHALL BE PAID BY THE COUNTY; AND

20 (3) WHOSE OPINION SHALL BE BINDING ON THE PARTIES.”.

21 On page 3, in line 31, insert:

22 “(G) EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL UNDER
23 THIS SECTION IS SUBJECT TO THE GRIEVANCE PROCEDURE FOR A TERMINATION UNDER AN
24 APPLICABLE COLLECTIVE BARGAINING AGREEMENT OR THE APPEAL PROCESS PROVIDED IN
25 SECTION 1.500 OF THE HOWARD COUNTY CODE AND THE APPEALS SECTION OF THE
26 HOWARD COUNTY EMPLOYEE MANUAL, AS APPLICABLE.

27 (H) EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL
28 UNDER THIS SECTION IS SUBJECT TO THE APPEAL PROCESS PROVIDED IN SECTION 1.500 OF
29 THE HOWARD COUNTY CODE AND THE APPEALS SECTION OF THE HOWARD COUNTY

ADOPTED as amended 6/4/18
FAILED _____
SIGNATURE Jessica Feldman

Amendment 3 to Amendment 5 to Council Bill No. 14 - 2018

BY: Greg Fox

Legislative Day No. 8
Date: 6/4/18

Amendment No. 3

(This is a technical amendment which clarifies that the instruction will make changes to the bill starting on page 3.)

- 1 On page 2, in line 1, strike "On the same page" and substitute "Starting on page 3".

ADOPTED 6/4/18
FAILED _____
SIGNATURE Jessica Feldmark

Amendment 4 to Amendment 5 to Council Bill No. 14-2018

BY: Greg Fox

Legislative Day 8

Date: June 4, 2018

Amendment No. 4 to Amendment 5

(This amendment references appeal provisions in the Howard County Code.)

1 On page 2, in line 21, insert:

2 “On page 3, in line 31, insert:

3 “(G) EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL UNDER THIS
4 SECTION IS SUBJECT TO THE GRIEVANCE PROCEDURE FOR A TERMINATION UNDER AN APPLICABLE
5 COLLECTIVE BARGAINING AGREEMENT OR THE APPEAL PROCESS PROVIDED IN SECTION 1.500 OF
6 THE HOWARD COUNTY CODE AND THE APPEALS SECTION OF THE HOWARD COUNTY EMPLOYEE
7 MANUAL, AS APPLICABLE.

8 (H) EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL UNDER THIS
9 SECTION IS SUBJECT TO THE APPEAL PROCESS PROVIDED IN SECTION 1.500 OF THE HOWARD
10 COUNTY CODE AND THE APPEALS SECTION OF THE HOWARD COUNTY EMPLOYEE MANUAL, AS
11 APPLICABLE.”.

ADOPTED 6/4/18
FAILED _____
SIGNATURE Jessica Eldmark

Amendment 2 to Council Bill No. 14-2018

BY: Calvin Ball
Jennifer Terrasa

Legislative Day No. 5

Date: May 7, 2018

Amendment No. 2

(This amendment requires the opinion of a physician, requires a third opinion from a specified kind of provider in certain instances, and requires that non-disciplinary separations be subject to the grievance procedure for a termination under an applicable collective bargaining agreement.)

1 On page 3:

- 2 • in line 16, strike "OR MENTAL HEALTH PROVIDER";
- 3 • in line 17, strike "OF PERFORMING" and substitute "TO PERFORM";
- 4 • in line 28, after "DUTIES" insert "AND THE COUNTY CHOOSES TO CONTEST THE
- 5 SECOND OPINION"
- 6 • also in line 28, strike "MAY" and substitute "SHALL";
- 7 • in line 29, strike "SOURCE" and substitute "PHYSICIAN WHO IS BOARD CERTIFIED IN
- 8 OCCUPATIONAL MEDICINE OR THE APPLICABLE MEDICAL SPECIALTY"; and
- 9 • in line 31, insert:
- 10 "(F) EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL
- 11 UNDER THIS SECTION SHALL BE SUBJECT TO THE GRIEVANCE PROCEDURE FOR A
- 12 TERMINATION UNDER AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT.".
- 13

ADOPTED _____

FAILED not introduced

SIGNATURE Jessica Feldman

Amendment 3 to Council Bill No. 14-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day 5
Date: May 7, 2018

Amendment No. 3

(This amendment clarifies when a third opinion will be obtained, clarifies that the third medical opinion shall be mutually agreed to by the parties, and provides that costs shall be paid by the County.)

- 1 On page 3, strike lines 24 through 30, inclusive and substitute:
2 “(E) OPTION FOR SECOND OPINION ON INABILITY TO PERFORM ESSENTIAL FUNCTIONS. BEFORE AN
3 EMPLOYEE IS DISMISSED UNDER SUBSECTION (D) OF THIS SECTION, THE EMPLOYEE MAY OBTAIN A
4 SECOND MEDICAL OPINION ON THE EMPLOYEE’S ABILITY TO PERFORM THE ESSENTIAL DUTIES OF
5 THE EMPLOYEE’S POSITION. IF THE SECOND OPINION FINDS THAT THE EMPLOYEE HAS THE ABILITY
6 TO PERFORM THE ESSENTIAL DUTIES, THE COUNTY MAY ACCEPT THE SECOND OPINION OR THE
7 COUNTY MAY SEEK A THIRD OPINION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.
8 (F) THIRD OPINION. IF THE COUNTY DETERMINES THAT A THIRD OPINION IS NECESSARY, THE
9 COUNTY SHALL OBTAIN A THIRD MEDICAL OPINION FROM AN INDEPENDENT, BOARD CERTIFIED
10 MEDICAL OR MENTAL HEALTH PROVIDER:
11 (1) WHO SHALL BE MUTUALLY AGREED TO BY THE EMPLOYEE AND THE COUNTY;
12 (2) WHOSE COSTS SHALL BE PAID BY THE COUNTY; AND
13 (3) WHOSE OPINION SHALL BE BINDING ON THE PARTIES.”.

ADOPTED _____

FAILED not introduced

SIGNATURE Shirley Feldman

Amendment 4 to Council Bill No. 14-2018

BY: Jon Weinstein

Legislative Day No. 5

Date: May 7, 2018

Amendment No. 4

(This amendment corrects terminology to use standard nomenclature, provides that the County shall pay the costs for medical evaluations in certain cases, and sets standards for who may provide a third evaluation.)

1 On page 3, in line 24, before "BEFORE" insert "(1)".

2 Also on page 3, in lines 24 and 26, in each instance, strike "OPINION ON" and substitute
3 "EVALUATION OF".

4 Also on page 3, in lines 27, 28, and 29, in each instance, strike "OPINION" and substitute
5 "EVALUATION".

6 Also on page 3, in line 29, strike "SOURCE" and substitute "INDEPENDENT PHYSICIAN WHO
7 IS BOARD CERTIFIED IN OCCUPATIONAL MEDICINE OR THE APPLICABLE MEDICAL SPECIALTY".

8 Also on page 3, in line 31, insert:

9 "(2) THE COUNTY SHALL PAY FOR ALL COSTS INCURRED FOR THE SECOND MEDICAL
10 EVALUATION IF:

11 (I) THE COST OF THE SECOND MEDICAL EVALUATION IS NOT COVERED BY THE
12 EMPLOYEE'S HEALTH INSURANCE; AND

13 (II) THE EMPLOYEE ATTESTS THAT THE EMPLOYEE CANNOT AFFORD THE COST OF
14 THE SECOND MEDICAL EVALUATION.

15 (3) THE COUNTY SHALL PAY ALL COSTS FOR THE THIRD MEDICAL EVALUATION."

ADOPTED _____
FAILED not introduced
SIGNATURE Jessica Edmunds

Amendment 1 to Amendment 5 to Council Bill No. 14 - 2018

BY: Jennifer Terrasa

Legislative Day No. 8

Date: June 4, 2018

Amendment No. 1

(This amendment removes the definition for Health Care Provider.)

- 1 On page 1, strike lines 6 – 13, and substitute the following:
- 2 “On page 3, in line 16, strike “OR MENTAL HEALTH PROVIDER”.

ADOPTED _____

FAILED *not introduced*

SIGNATURE *Jennifer Terrasa*

Amendment 2 to Amendment 5 to Council Bill No. 14 - 2018

BY: Calvin Ball
Jennifer Terrasa

Legislative Day No. 8
Date: 6/4/18

Amendment No. 2

(This amendment clarifies that employees covered by collective bargaining agreements are subject to the grievance procedure.)

1 On page 2, in line 20, strike the closed quotation make and the second period.

2

3 On the same page, immediately after line 21, insert the following:

4 (G) EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS. A DISMISSAL UNDER
5 THIS SECTION SHALL BE SUBJECT TO THE GRIEVANCE PROCEDURE FOR A TERMINATION
6 UNDER AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT.”.

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ADOPTED _____
FAILED not introduced
SIGNATURE Jessica Feldman