

**Amendment No. 1 to Council Bill No. 49-2021**

**BY: Liz Walsh**

**Legislative Day 12**

**Date: July 6, 2021**

**Amendment No. 1**

*(This amendment expands County employee protections in the bill to prohibit a person from verbally or physically harassing a Department of Public Works employee, authorizes the Department to temporarily ban an individual for 24 hours, or for 120 hours under specified circumstances, from Department of Public Works property, and establishes civil and criminal penalties.)*

1 On the title page in the purpose paragraph:

- 2 • in line 1, after “Parks”, insert “and Public Works”;
- 3 • in line 10, after “employee;”, insert “prohibiting the verbal or physical harassment of
- 4 a Department of Public Works employee”;
- 5 • in line 12, after “park”, insert “or Department of Public Works property”;
- 6 • in line 13, after “time;”, insert “providing for the banning of an individual from
- 7 Department of Public Works property for 120 hours under certain circumstances and
- 8 setting forth a post-deprivation process;” and
- 9 • in line 13, after “penalties;”, insert “adding certain civil and criminal penalties”.

10 On page 2, in line 19, insert:

11 “By Adding Title 18. Public Works.”

1 Subtitle 10. – Department of Public Works.

2 Section 18.1002. Harassment of Employees Prohibited; Ban; Penalties.”.

3 On page 21, in line 20, insert:

4 “Title 18 - Public Works

5 Subtitle 10. – Department of Public Works

6 SECTION 18.1002. HARASSMENT OF EMPLOYEES PROHIBITED; BAN; PENALTIES.

7 (A) HARASSMENT OF EMPLOYEES PROHIBITED. A PERSON SHALL NOT VERBALLY OR  
8 PHYSICALLY HARASS A COUNTY DEPARTMENT OF PUBLIC WORKS EMPLOYEE ACTING IN  
9 THE COURSE OF THE EMPLOYEE’S OFFICIAL DUTIES.

10 (B) ENFORCEMENT – BAN GENERALLY. (1) TO ENFORCE THE PROVISIONS OF THIS SECTION,  
11 THE DEPARTMENT, WITHOUT LIMITATION, MAY TEMPORARILY BAN AN INDIVIDUAL FOR  
12 24 HOURS FROM A DEPARTMENT OF PUBLIC WORKS PROPERTY.

13 (2) THE DEPARTMENT MAY ISSUE A WRITTEN ORDER TO TEMPORARILY BAN AN  
14 INDIVIDUAL FOR 120 HOURS FROM A DEPARTMENT OF PUBLIC WORKS PROPERTY, IF  
15 PROPER NOTICE HAS BEEN PROVIDED OF THE PROHIBITED ACTIVITY ON A SIGN POSTED ON  
16 A DEPARTMENT OF PUBLIC WORKS PROPERTY THAT INCLUDES THE AUTHORITY TO  
17 TEMPORARILY BAN AN INDIVIDUAL FOR 120 HOURS TO ENFORCE THE PROVISIONS OF THIS  
18 SECTION.

19 (3) (I) AN ORDER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO  
20 TEMPORARILY BAN AN INDIVIDUAL FOR 120 HOURS FROM A DEPARTMENT OF PUBLIC  
21 WORKS PROPERTY SHALL NOTIFY THE RECIPIENT THAT THE RECIPIENT MAY MEET WITH  
22 THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE CHIEF ADMINISTRATIVE  
23 OFFICER TO DISCUSS ANY REASONS WHY THE RECIPIENT’S ACCESS TO DEPARTMENT OF  
24 PUBLIC WORKS PROPERTY SHOULD NOT BE RESTRICTED.

25 (II) THE NOTICE SHALL STATE THE PROPOSED PLACE, DATE, AND TIME OF THE  
26 MEETING.

1                   (III) THE MEETING SHALL BE SCHEDULED TO BE HELD DURING THE NEXT BUSINESS  
2                   DAY AFTER THE ORDER IS DELIVERED TO THE RECIPIENT.

3                   (IV) AT THE REQUEST OF THE RECIPIENT, THE CHIEF ADMINISTRATIVE OFFICER OR  
4                   A DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER MAY RESCHEDULE THE MEETING AT A  
5                   LATER DATE.

6                   (V) IF A MEETING IS HELD, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE  
7                   OF THE CHIEF ADMINISTRATIVE OFFICER MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

8                   (VI) THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF  
9                   ADMINISTRATIVE OFFICER.

10                  (C) CRIMINAL PENALTIES. A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS  
11                  GUILTY OF A MISDEMEANOR AND UPON CONVICTION, IS SUBJECT TO A FINE NOT  
12                  EXCEEDING \$1,000.00 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

13                  (D) CIVIL PENALTIES. ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH  
14                  ALL OTHER REMEDIES AT LAW OR EQUITY, THE DEPARTMENT MAY ENFORCE THIS SECTION  
15                  PURSUANT TO TITLE 24. "CIVIL PENALTIES" OF THE HOWARD COUNTY CODE. A  
16                  VIOLATION OF THIS SECTION SHALL BE A CLASS A OFFENSE."