

CITY OF ANNAPOLIS

POLICY ON CONTRACTUAL EMPLOYMENT

I. POLICY STATEMENT

The City of Annapolis (the "City") acknowledges that contractual employment is a useful form of employment which may be necessary to fulfill the staffing needs of a Department for a limited period of time. The use of contractual employees should be limited and based on documented justification on a case by case basis. The justification should include a finding by the Department Director that current civil service staff do not have the skill set(s) or do not have the time available to accomplish the needed work. Contractual employment shall only be undertaken pursuant to a written contract for employment (the "Employment Contract") which shall specify the work to be performed and the duration of the contract.

II. PURPOSE

To establish a uniform practice for the creation and administration of contractual employment in the City.

III. DEFINITIONS

A. Contractual Employee. An employee whose conditions of employment and compensation are specified in an Employment Contract for the employee's personal services.

B. Independent Contractor - An individual or entity providing services to the City for compensation. An independent contractor is paid through the accounts payable system and is considered a vendor. Independent contractors are not employees and have a contract specifying the terms and conditions of their provision of services.

C. Permanent Position. A classified position within the Civil Service or exempt service of the City.

D. Seasonal Employee - An individual who works either full or part time for the City in an unclassified position for a portion of the year. Most seasonal employees work either in conjunction with the summer time or with the school year.

IV. SCOPE

This policy applies to all Contractual Employees, full or part-time. This policy does not apply to independent contractors or seasonal employees.

V. EMPLOYMENT CONTRACT PROVISIONS

The terms and provisions of any Employment Contract shall be negotiated between the Contractual Employee and the Department but all Employment Contracts are subject to the following:

A. All Employment Contracts must be drafted by the City Office of Law and shall contain all of the terms and conditions of the Contractual Employee's employment.

B. All Employment Contracts are for "at-will" employment and shall provide that the Contractual Employee's services can be terminated by either party for any reason or no reason. The Employment Contract shall provide that the Contractual Employee shall have no grievance or appeal rights with regard to conditions of employment, treatment, or reasons for separation.

C. Unless otherwise negotiated, all Employment Contracts shall be for a term of not more than one (1) year. An Employment Contract may provide for an extension of up to one (1) additional year, but shall further provide that any additional extension shall be subject to the prior, express approval of the City Council in the form of a budget enhancement which shall set forth the justification for and term of any such extension.

D. All Employment Contracts shall designate the compensation to be paid to the Contractual Employee, which shall be based upon the salary for the comparable job classification within the City Classification Plan. In the absence of such a comparable classification, the Contractual Employee shall be paid the fair market rate as researched and documented by the Department Director and Human Resources Director. All adjustments to compensation including, but not limited to any increases in compensation and Cost of Living Adjustments shall be specifically provided for in the Employment Contract.

E. All Employment Contracts shall provide that the Contractual Employee shall not be entitled to benefits other than those specifically enumerated within the Employment Contract, which benefits shall include the Contractual Employee's entitlement, if any, to holiday leave, annual and sick leave, personal leave and health care insurance coverage.

F. All Employment Contracts shall provide that the Contractual Employee is not eligible to participate in the State of Maryland Retirement and Pension Plan.

VI. PROCEDURE

A. A Department Director seeking to hire a Contractual Employee must first obtain written approval from the City Manager, the Finance Committee and the City Council in the form of the Council's approval of the annual budget with funding for the position of that Contractual Employee.

B. All Employment Contracts shall be reviewed and executed by the Department Director, the Contractual Employee, the City Attorney (for legal sufficiency), the Finance Director (for availability of funds), the Human Resources Director (for compliance with personnel regulations), the Mayor and the City Clerk (as witness to the Mayor's signature).

C. Copies of the fully executed Employment Contract shall be sent by the Office of Law to the Department Director, the Contractual Employee and the Human Resources Department to be placed in the Contractual Employee's personnel file.

Adopted: May 9, 2011