

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

ORDINANCE NO. 2026 - 02

Introduced By: The Cottage City Commission

AN ORDINANCE TO AMEND CHAPTER 10 OF THE TOWN CODE TO ESTABLISH A PERSONNEL SYSTEM WITH CERTAIN GUIDELINES, PAYGRADES, SALARIES, STANDARDS, AND PROCEDURES FOR THE EMPLOYEES OF THE TOWN OF COTTAGE CITY.

WHEREAS, Section 58 of the Town Charter (Authority to Employ Personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government; and

WHEREAS, Section 59 of the Town Charter (Merit System Authorized) states that the Commission may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness, and to carry out this purpose the Commission shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems advisable, and that any person appointed to a position or office under the terms of such an ordinance shall serve at the pleasure of the appointing authority, unless otherwise provided in the ordinance; and

WHEREAS, Section 60 of the Town Charter (Unclassified and Classified Service) states that the civil service of the Town shall be divided into the unclassified and classified service, with the unclassified service comprising the Commissioners; the Clerk-Treasurer (if any), Town Manager, and the Town Attorney; the heads of all offices, departments, and agencies and members of the Town boards and commissions; part-time, temporary, and unpaid offices and positions, which shall not be included within the merit system; and

WHEREAS, the Commission finds that a merit system is a personnel system, typically pertaining to subordinate employees instead of senior appointees, and created "...to secure the appointment of persons, after examination, suitable and qualified for the positions or offices to which they are applicants, and, second, when after appointment, their efficiency and worth are shown to exist, to place their [arbitrary] removal beyond the control of the appointing power, who might, for political, ..., or other insufficient reasons, be disposed to remove them, and to appoint

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unsuitable and inefficient persons as their successors to the injury and detriment of the public...”
Lilly v. Jones, 158 Md. 260 (1930); and

WHEREAS, the Commission has previously adopted provisions in Chapter 10 of the Town Code relating to personnel matters, and the Commission intends to amend Chapter 10 after Section 10-4 to establish and expand upon a personnel system with certain guidelines, paygrades, salaries, standards, and procedures for the employees of the Town of Cottage City, consistent with the organizational chart adopted by Resolution 2025-02.

NOW, THEREFORE, THE COTTAGE CITY COMMISSION FOR THE TOWN OF COTTAGE CITY, STATE OF MARYLAND, DOES ORDAIN AND ENACT AS FOLLOWS:

SECTION 1. That Chapter 10 of the Town Code is hereby amended by adding new Sections 10-5 through 10-15 after Section 10-4 to read as follows:

**CHAPTER 10
PERSONNEL SYSTEM**

§ 10-5. Declaration of Policy

A. Except as stated herein, this personnel or limited merit system is established for all present and future employees of the Town, and shall provide the means to recruit, select, develop, advance, and maintain an effective and responsive workforce based on relative ability, knowledge requirements of the citizens of the Town. The limited merit system rules and procedures adopted herein shall not generally apply to the unclassified service as defined in Section 60 of the Town Charter

B. All personnel actions shall be taken without regard to race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, marital status, genetic information, military or veteran status, or political affiliation, and shall be based on merit and performance.

§ 10-6. Scope and Intent

A. The classifications, definitions, policies, and procedures outlined in this ordinance apply to all regular Town staff positions defined by Charter as being within the classified service. Regular Town staff positions include all Town merit positions, including offices of profit, except the following: elected officials (commissioners), the Clerk-Treasurer, Town Manager, Town

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Attorney, heads of offices, departments (e.g., the Chief of Police), or agencies and members of Town boards and commissions, volunteers (including committee members), independent contractors, persons employed on projects of limited duration, unpaid volunteers (including interns and Town committee members), and other persons appointed to serve without pay.

B. All employees who have served less than three (3) months, and all new employees of the Town except sworn police officers, will serve a probationary period of six (6) months. Sworn police employees will serve a probationary period of 18 months. The probationary period may be extended for cause as defined in the employee handbook by the Town. Police officers' probationary periods may be further prescribed by general order.

C. This Ordinance shall be read in conjunction with any employee handbook or manual as duly approved by the Commission, and this Ordinance shall control or supersede any conflicting provision in said handbook.

D. Nothing in this Ordinance shall be deemed to modify or alter the Town's at-will employment relationship with any employee, with the exception of an employment contract approved by the Commission. This subsection shall not apply to any valid employment contracts approved prior to the effective date of this Ordinance.

E. No change to the Town employee handbook shall reduce the vacation accruals of any current employee.

§ 10-7. Regular Town Staff Positions

The annual operating budget shall fund the paid appointed offices and positions and authorize the staffing levels of all departments and positions. No other regular Town staff positions or appointed offices may be included or authorized in the annual operating budget unless approved within the budget ordinance or an amendment. In addition to the Town Charter and any previously enacted ordinances in effect, the supervisory positions and named departments or heads thereof enumerated below are considered to be created and duly authorized by law or otherwise ratified by this Ordinance as existing in conformance with Sections 56 through 64 (personnel) of the Town Charter. The paygrades referenced in this Section are further described in Section 10-12, below, and enumeration of the position as "supervisory" means that the position or office manages one or more other employees. The positions listed herein are consistent with the organizational chart adopted by Resolution 2025-02.

A. Positions within the Town Administration Department:

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- i. Town Manager, supervisory (paygrade __)
- ii. Office Manager, supervisory (paygrade __)
- iii. Grant Manager (contracted/agreement)
- iv. Skilled PW Laborer (paygrade __)
- v. PW Laborer
- vi. Town Attorney (contracted/agreement)
- vii. Treasurer (contract/agreement)

B. Positions within the Town’s Police Department:

- i. Police Chief, supervisory (paygrade __)
- ii. Sergeant, supervisory (paygrade __)
- iii. Corporal (paygrade __)
- iv. Private First Class (PFC) (paygrade __)
- v. Private (paygrade __)
- vi. Code Officer (paygrade __)
- vii. Police Clerk (civilian/paygrade __)

§ 10-8. Hiring and Dismissal of Town Employees

A. Positions Requiring Commission Approval: Hiring for any regular Town staff position that entails the head of any office, department, or agency of the Town government as established by the Charter or by ordinance requires approval by a majority vote of the Commission. The appropriate department head with the consent of the Town Manager shall give the Commission notice of the hiring of any non-regular position as listed in Section 10-7 at least one week prior to the start date of the non-regular employee. If hiring for a position for which there is no Commission-approved position description, the entire Commission must approve the position description before the position can be advertised.

B. The process for hiring regular Town staff positions that does not include the head of any office, department, or agency of the Town government is as follows: (1) Any opening for a regular Town staff position should be advertised for at least thirty (30) days on a publicly accessible job-posting website, the Town website, and all Town social media sites. The position advertisement must include, at a minimum, the education and experience requirements for the position, the major responsibilities for the position as outlined in the Position Description, the salary range for the position, required documents to be submitted for an application, and the closing date for applications. All applications must be reviewed and ranked by at least the applicable department head and one Commissioner (or at least a Commissioner and the Chair in the case of a department-

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head position). Any Commissioner expressing a desire to review and rank applications will notify the Commission Chair and Town Manager. Any Commissioner notifying the Chair and Town Manager that they wish to be part of this hiring process shall be incorporated into the process provided that the Maryland Open Meetings Act is followed when required by law. Rankings shall be made without regard to race, sex, religion, national origin, or political affiliation.

(2) If no applications meet the minimum education and experience requirements for the position, the position must be re-advertised for at least fourteen (14) days. If three or more applicants meet the education and experience requirements for the position, then at least the top three qualified applicants must be interviewed within thirty (30) days of the closing of the position advertisement unless a candidate withdraws their application. If less than three (3) applicants meet the education and experience requirements, then all qualified applicants should be interviewed. Interviews must be conducted by at least one Commissioner and the applicable department head including the Town Manager. Any Commissioner desiring to be present for interviews shall notify the Chair and Town Manager. Any Commissioner that has notified the Chair and Town Manager shall be included in the interview process to the extent that they make themselves readily available provided that the Maryland Open Meetings Act is followed when required by law.

(3) After conducting interviews, the interviewers must select an interviewee within 30 days of the last interview or restart the recruitment process. Once the individual selected has been notified of selection and accepted the position, the Town Manager will oversee the verification of any educational or other certifications. The Town Manager must also ensure that all selected candidates undergo appropriate criminal background checks and drug screening procedures prior to starting employment.

(4) All efforts will be made to ensure the hiring process is non-discriminatory on the basis of race, sex, religion, national origin, or political affiliation. Outside hiring assistance may be required to ensure current best practices in non-discriminatory hiring practices are followed.

§ 10-9. Political Activities

A. No regular Town staff employee shall hold an elected office or more than one (1) appointed office; however, nothing herein shall prevent an officer from holding an ex officio office or position. This section shall be further governed by the Maryland Anti-Hatch Act as codified in section 1-303 et seq. Of the LG Art. Of the Md. Ann. Code regarding political activities of employees, and where applicable by the federal Hatch Act codified in 5 U.S.C. §§ 7321–7326, restricting partisan political activity by federal executive branch and local government employees if their principal employment is in connection with programs financed in whole or in part by federal loans or grants.

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B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any Town employee.

C. Nothing herein contained shall affect the right of any employee to hold membership in and support a political party, to vote as they choose, to express themselves publicly or privately on all political subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

§ 10-10. Unlawful Acts

A. No person shall make any false statements with regard to any test, certification, or appointment made under any provisions of this Ordinance, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Ordinance and policies.

B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment or employment under this Ordinance, or furnish to any person any special privileged information for the purpose of affecting the rights or prospects of any person with respect to employment with the Town.

§ 10-11. Compensation

A. The Cottage City Commission shall set the compensation of all regular Town staff positions by including a pay chart with the annual budget ordinance enacted in conjunction with the annual operating budget, in accordance with this Section. The pay chart will be drafted by the Town Manager. The pay chart will include eight (8) paygrades, with ten (10) steps in each paygrade. They shall be established by adding the COLA to the base every year. Notwithstanding this COLA increase, every three years or sooner at the discretion of the Commission the paygrade of each employee classification shall be reviewed in comparison to industry standards including consideration of mean, median, and mode for the geographic area and size of the municipality. Each step shall be established as 3% more than the step before it. Therefore step 1 shall be the base salary for the paygrade, step 2 shall be the base salary for that paygrade plus 3% more, continuing to step 10.

B. The annual base pay (Step 1) for each Fiscal Year shall be presented in a pay chart and included in that Fiscal Year's Budget Ordinance.

C. Each fiscal year, the pay chart will be updated and included in the annual budget ordinance, beginning in Fiscal Year 2027, to include a cost-of-living adjustment (COLA) for all paygrades

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and steps. The Town COLA for each fiscal year will be equal to the total pay increase received at the beginning of the same calendar year by United States Government General-Schedule (GS) civilian employees in the Washington-Baltimore-Arlington-DC-MD-VA-WV-PA Locality Pay Area. If said GS total pay increase is less than 1%, the Town COLA will be 1% for that fiscal year. If said GS total pay increase exceeds 3%, the Town COLA will be 3% for that fiscal year.

(1) Part-time employees will be paid by the hour, at an hourly rate (equal to 1/2080 of the annual rate), as a full-time employee with the same position. Part-time employees will have the same minimum and maximum salaries, eligibility for step and paygrade increases, and annual pay increases as their full-time counterparts for computing their hourly rate.

(2) Employee pay will increase by one step after completing a period of satisfactory service (in a particular paygrade and step) with the Town as follows: Increasing one step after one year of satisfactory service in steps 1 through 3, increasing one step after two years of satisfactory service in steps 4 through 6, and increasing one step after 3 years of satisfactory service in steps 7 through 9. Thus, an employee would take 18 total years to move from step 1 to step 10 within a paygrade.

(3) Town employees shall receive compensation only as outlined in this Section, and any other financial compensation including a pay increase, bonus, or incentive pay must be approved by a majority of the Commission as appropriated in the annual budget ordinance and approved by the detailed budget document.

(4) Upon the approval of the Town's annual budget ordinance, each employee shall be issued a letter signed by the Town Manager and department head stating the employee's annual salary, paygrade, step, and COLA increase for the upcoming fiscal year. A copy of this letter shall also be placed in the employee's personnel file. Employees will also receive such a letter when they receive a paygrade or step increase.

(5) When a new employee is hired, they should be hired at step 1 of their paygrade. If the employee is experienced, human resources, under the direction of the Town Manager, can authorize the employee to be brought on up to step 4 in their paygrade depending on qualifications and/or experience. Commission approval is required before bringing an employee on at step 4 or above.

§ 10-12. Penalties

Violation of any provision of this Ordinance may result in disciplinary action on the part of the Commission up to and including dismissal.

§ 10-13. Town Employee Handbook

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The Cottage City Commission shall set further personnel policies and procedures through approval of the Town Employee Handbook. The handbook shall be reviewed annually and updated at least every three (3) years by Resolution.

§ 10-14. Position Descriptions and Organization Chart

The Cottage City Commission shall set, by Ordinance or written resolution, position descriptions for all regular Town staff that include major duties, minimum education and experience requirements, and minimum and maximum pay in accordance with the pay chart described in Section 10-11, as well as the organizational chain(s) of reporting and responsibilities, including supervisory and/or oversight responsibilities, for each position by separate Ordinance or written resolution adopted from time to time.

§ 10-15. Severability

Should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Cottage City Commission.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

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AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within the Code of the Town of Cottage City, whereby the entirety of the previously enacted and codified portion of Chapter 10 of the Town Code shall be restated and added to the sections and provisions written hereinabove in Section 1.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chair shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this ___ day of April 2026, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2026-02 was passed by the required yea and nay votes of the Cottage City Commission on the ___ day of April 2026.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

John Hoatson, Town Manager

By: _____
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the ___ day of April 2026 with _____ Aye votes and _____ Nay votes, the aforesaid Ordinance 2026-02 passed.

John Hoatson, Town Manager

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