

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Board of Commissioners**
- 2.08 Building Official**
- 2.12 Board of Housing Appeals**
- 2.16 Code of Ethics**
- 2.20 Abandoned Property**

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Chapter 2.04

BOARD OF COMMISSIONERS

Sections:

2.04.010 Order of proceedings.

2.04.020 Rules of procedure.

2.04.010 Order of proceedings.

The order of proceedings of the Board of Commissioners shall be as follows:

A. Unless deferred for cause on motion, approval of minutes of any preceding meetings then unapproved, upon reading thereof or upon prior advance delivery of a copy thereof to each member;

B. Review and approval of financial report(s); authorization to pay the bills; amendments to the budget and other financial matters;

C. Administrator's report, including introduction of ordinances or resolutions;

D. Public hearings and appointments before the board;

E. Miscellaneous business not included in any of the preceding orders;

F. Closed meetings. (Amended during 1996 codification; prior code § 4-2 (A))

2.04.020 Rules of procedure.

The Board of Commissioners may by resolution adopt such rules of procedure, not inconsistent with the town Charter or this section, as the board may consider to be desirable. (Prior code § 4-2(B))

Chapter 2.08

BUILDING OFFICIAL

Sections:

2.08.010 Office of building official created.

2.08.020 Duties of building official generally.

2.08.030 Duty to inspect- Enforcement Authority -Variations.

2.08.010 Office of building official created.

The office of building official is created. (Prior code § 42-2)

2.08.020 Duties of building official generally.

The building official shall enforce all provisions of this code and other town ordinances and all laws relating to the construction, alteration, repair, removal and demolition of buildings and structures. (Prior code § 42-4)

2.08.030 Duty to inspect - Enforcement Authority - Variations.

A. The building official shall inspect all buildings or structures during construction, alteration or removal to see that the provisions of this code and the state law are complied with and that the work is prosecuted safely. Whenever, in his opinion, by reason of defective or illegal work in violation of a provision of law or this code, the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

B. The building official may permit, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction not provided for in this code, and may, for the purpose of carrying out the intent of this code, adopt accepted standards of material or workmanship of federal or state bureaus, national technical organizations or fire underwriters. (Prior code § 42-5)

Chapter 2.12

BOARD OF HOUSING APPEALS

Sections:

- 2.12.010 Creation of board - Composition, appointment, terms and vacancies.**
- 2.12.020 Chairman - Rules of procedures -Records.**
- 2.12.030 Powers and duties.**

2.12.010 Creation of board - Composition, appointment, terms and vacancies.

The board of housing appeals is created, which shall consist of five members appointed by the Mayor, confirmed by the Board of Commissioners and removable for cause upon written charges and after a public hearing. The term of office shall be three years, and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. (Prior code § 12-1)

2.12.020 Chairman - Rules of procedures - Records

The board of housing appeals shall elect one of its members as chairman and shall adopt such rules of procedures as it may deem necessary. Such board shall keep official records of its proceedings, examinations and official actions. (Prior code § 12-2)

2.12.030 Powers and duties.

A. The board of housing appeals is directed to hear petitions from persons upon whom violation notices, emergency orders or orders of condemnation have been served, and sustain, modify or withdraw such notices or orders according to the findings of the board as to compliance with the provisions of Charter 15.16, Housing Standards.

B. In sustaining or modifying such notices, emergency orders or orders of condemnation, the board of housing appeals may set the time period

for compliance with the provisions, may specify the sequence of actions necessary to reach compliance, may require vacation of all or part of a dwelling or dwelling unit which is in violation, if warranted by conditions, or may require any other conditions that it deems necessary to carry out the provisions of this chapter.

C. The board of housing appeals may also modify any notice or emergency order so as to authorize a variant from the provisions of this chapter when, because of special conditions, a literal enforcement of the provisions would result in practical difficulty or unnecessary hardship; provided that the spirit of this chapter is observed, public health and welfare secured and substantial justice done. In authorizing such a variant, the board of housing appeals shall state the special conditions which cause the practical difficulty or unnecessary hardship. (Prior code § 12-3)

Chapter 2.16

CODE OF ETHICS

Sections:

- 2.16.010 Short title.**
- 2.16.020 Applicability.**
- 2.16.030 Ethics Commission.**
- 2.16.040 Conflicts of Interest.**
- 2.16.050 Financial Disclosure – Elected Officials and Candidates to be Elected Officials.**
- 2.16.060 Financial Disclosure - Employees and Appointed Officials.**
- 2.16.070 Lobbying.**
- 2.16.080 Exemptions and Modifications.**
- 2.16.090 Enforcement.**

2.16.010 Short title.
Chapter 2.16 may be cited as the Town of Elkton’s Ethics Ordinance.

2.16.020 Applicability.
The provisions of Chapter 2.16, all or in part, shall apply to all elected officials, persons appointed to Town boards and commissions, the Town Administrator, and Town employees, collectively referred to as “*officials*,” unless otherwise provided under this chapter.

2.16.030 Ethics Commission.
A. There shall be a Town of Elkton Ethics Commission (“Commission”) that shall consist of three (3) members appointed by the Mayor and confirmed by the Commissioners.
B. The Commission shall:
1. Create, receive, and maintain all forms required by this chapter;
2. Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
3. Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter;

and
4. Conduct a public information program regarding the purposes and application of this chapter.

C. The Commission may use the Town’s attorney or engage independent counsel for advice and guidance. The cost of counsel for the Commission shall be borne by the Town.

D. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected officials.

E. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Mayor and Commissioners for enactment.

F. The Commission may adopt other policies and procedures to assist in the implementation of the Commission’s programs established in this chapter.

2.16.040 Conflicts of Interest.
A. In this section, “*qualified relative*” means a spouse, parent, child, or sibling.
B. All Town elected officials, persons appointed to Town boards and commissions, the Town Administrator, and Town employees, collectively “*officials*,” as set forth under §2.16.020, are subject to this section.

C. Participation prohibitions. Except as permitted by Commission regulation or written opinion, an official may not participate in:

1. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, *to the knowledge of the official or a qualified relative of the official*, the official has an interest.

2. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

a. A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;

- b. A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - c. A business entity with which the official or, to the knowledge of the official, a qualified relative, is negotiating employment or has any arrangement concerning prospective employment.
 - d. If the contract reasonably could be expected to result in a conflict between the private interests of the official and the official's duties, a business entity that is a party to an existing contract with the official, or which, to the knowledge of the official, is a party to a contract with a qualified relative;
 - e. An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - f. A business entity that:
 - i. The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - ii. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or a qualified relative of the official.
3. A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- a. The disqualification leaves a body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or
 - c. The disqualified official is the only person authorized to act.
4. The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.
- D. Employment and financial interest restrictions.
- 1. Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:
 - a. Be employed by or have a financial interest in any entity:
 - i. Subject to the authority of the official or the Town department, board, commission with which the official is affiliated; or
 - ii. That is negotiating or has entered a contract with the Town department, board, or commission with which the official is affiliated; or
 - b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
 - 2. This prohibition does not apply to:
 - a. An official who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - b. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
 - c. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

- d. Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

E. Post-employment Limitations and Restrictions.

1. A former official may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official significantly participated as an official.
2. Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Town Board may not assist or represent another party for compensation in a matter that is the subject of legislative action.

F. Contingent Compensation. Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Town.

G. Use of Prestige of Office.

1. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
2. This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

H. Solicitation and acceptance of gifts.

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift on behalf of another person from an individual regulated lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or should reasonably know:
 - a. Is doing business with or seeking to do business with the Town or any of its departments, boards, or commissions with which the official is affiliated;

- b. Has financial interests that may be substantially and materially affected in a manner distinguishable from the public generally by the performance or nonperformance of the official duties of the official;
 - c. Is engaged in an activity regulated or controlled by the official's department or the official's duties; or
 - d. Is a lobbyist with respect to matters within the jurisdiction of the official.
4. Paragraph (5) of this subsection does not apply to a gift:
- a. That would tend to impair the impartiality and the independence of judgment of the official receiving the gift;
 - b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official; or
 - c. Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official.
5. Notwithstanding paragraph (3) of this subsection, an official may accept the following:
- a. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - b. Ceremonial gifts or awards that have insignificant monetary value;
 - c. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
 - e. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - f. A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing,

that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

g. Gifts from a person related to the official by blood or marriage, or any other individual who is a member of the household of the official; or

h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's position.

I. Disclosure of confidential information. Other than in the discharge of official duties, an official may not disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public for the economic benefit of the official or that of another person.

J. Participation in procurement.

1. An individual or a person that employs an individual who assists a Town department in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

2. The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

2.16.050 Financial Disclosure - Elected Officials and Candidates to be Elected Officials.

A. Applicability

1. This section applies to all elected officials and candidates to be elected officials.

2. Except as provided in subsection (b) of this section, an elected official or a candidate to be an elected official shall file the financial disclosure statement required under this section:

a. On a form provided by the

Commission;

b. Under oath or affirmation; and

c. With the Commission.

3. Deadlines for filing statements.

a. An incumbent elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.

c. An individual who, other than by reason of death, leaves an office for which a statement is required shall:

i. File a statement within 60 days after leaving the office.

ii. The statement shall cover:

aa. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

bb. The portion of the current calendar year during which the individual held the office.

B. Candidates to be elected officials.

1. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

2. A candidate to be an elected official shall file a statement required under this section:

a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

b. In the year of the election, on or before the earlier of the first Tuesday of May or the last day for the withdrawal of candidacy; and

c. In all other years for which a statement is required, on or before April 30.

3. A candidate to be an elected official:

- a. May file the statement required under §2.16.050B(2)(a) of this chapter with the administrative office secretary or Board of Supervisors of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
- b. Shall file the statements required under §2.16.050B(2)(b) and (c) with the Commission.

4. If a candidate fails to file a statement required by this section after written notice is provided by the administrative office secretary or Board of Supervisors of Elections at least twenty (20) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

5. The administrative office secretary or Board of Supervisors of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.

6. Within 30 days of the receipt of a statement required under this section, the administrative office secretary or Board of Supervisors of Elections shall forward the statement to the Commission. *A copy of all statements required under this section shall be retained by the administrative office secretary.*

C. Public record.

1. The administrative office secretary on behalf of the Commission shall maintain all financial disclosure statements filed under this section.

2. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

3. If an individual examines or copies a financial disclosure statement, the Commission or the administrative office secretary shall record:

- a. The name and home address of the individual reviewing or copying the statement; and
- b. The name of the person whose financial disclosure statement was examined or copied.

4. Upon request by the official whose

financial disclosure statement was examined or copied, the Commission or the administration office secretary shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

D. Retention requirements. The Commission or the administration office secretary shall retain financial disclosure statements for four (4) years from the date of receipt.

E. Contents of statement.

1. Interests in real property.

a. A statement filed under this section shall include a schedule of all interests in real property wherever located.

b. For each interest in real property, the schedule shall include:

- i. The nature of the property and the location by street address, mailing address, or legal description of the property;
- ii. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
- iii. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- iv. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- v. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- vi. The identity of any other person with an interest in the property.

2. Interests in corporations and partnerships.

a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business

- with the Town.
- b. For each interest reported under this paragraph, the schedule shall include:
 - i. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - ii. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - iii. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - iv. With respect to any interest acquired during the reporting period:
 - aa. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - bb. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 - c. An individual may satisfy the requirement to report the amount of the interest held under item (b)(ii) of this paragraph by reporting, instead of a dollar amount:
 - i. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - ii. For an equity interest in a partnership, the percentage of equity interest held.

3. Interests in business entities doing business with Town.
 - a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (2) of this subsection.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - i. The name and address of the principal office of the business entity;
 - ii. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 - iii. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - iv. With respect to any interest acquired during the reporting period:
 - aa. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - bb. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
4. Gifts.
 - a. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town.
 - b. For each gift reported, the schedule shall include:
 - i. A description of the nature and value of the gift; and
 - ii. The identity of the person from

- whom, or on behalf of whom, directly or indirectly, the gift was received.
- 5. Employment with or interests in entities doing business with Town.
 - a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.
 - b. For each position reported under this paragraph, the schedule shall include:
 - i. The name and address of the principal office of the business entity;
 - ii. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - iii. The name of each Town department with which the entity is involved.
- 6. Indebtedness to entities doing business with Town.
 - a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:
 - i. By the official; or
 - ii. By a member of the immediate family of the official if the official was involved in the transaction giving rise to the liability.
 - b. For each liability reported under this paragraph, the schedule shall include:
 - i. The identity of the person to whom the liability was owed and the date the liability was incurred;
 - ii. The amount of the liability owed as of the end of the reporting period;
 - iii. The terms of payment of the liability and the extent to which the principal amount of the

- liability was increased or reduced during the year; and
- iv. The security given, if any, for the liability.
- 7. A statement filed under this section shall include a schedule of the immediate family members of the official employed by the Town in any capacity at any time during the reporting period.
- 8. Sources of earned income.
 - a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the official or a member of the official's immediate family was a sole or partial owner and from which the official or member of the official's immediate family received earned income, at any time during the reporting period.
 - b. A minor child's employment or business ownership need not be disclosed if the official's department or the official does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- 9. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- F. For the purposes of §2.16.050G(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:
 - 1. An interest held by a member of the official's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the official.
 - 2. An interest held by a business entity in which the official held a 30% or greater interest at any time during the reporting period.
 - 3. An interest held by a trust or an estate in which, at any time during the reporting period:
 - a. The official held a reversionary interest or was a beneficiary; or
 - b. If a revocable trust, the official was a settlor.
- G. 1. The Commission shall review the financial

disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an official submitting the statement of any omissions or deficiencies.

2. The Commission may take appropriate enforcement action to ensure compliance with this section.

2.16.060 Financial Disclosure - Employees and Appointed Officials.

A. This section only applies to the following appointed officials:

1. Town Administrator;
2. Department Managers;
3. Appointments to the Elkton Planning Commission;
4. Appointments to the Board of Zoning Appeals;
5. Appointments to the Housing Board of Appeals;
6. Appointments to the Historical and Architectural Review Committee;
7. Appointments to the Board of Supervisors of Elections;
8. Appointments to the Ethics Commission; and
9. Any other officials designated by the Mayor and Commissioners.

B. A statement filed under this section shall be filed with the Commission under oath or affirmation.

C. On or before January 31st of each year during which an official holds office, the official shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.

D. An official shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the official sufficiently in advance of the action to provide adequate disclosure to the public.

E. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in this chapter.

2.16.070 Lobbying.

A. A person shall file a lobbying registration statement with the Commission if the person:

1. Personally appears before a Town official with the intent to influence that person in performance of the official duties of the official; and
2. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$ 20.00 on food, entertainment, or other gifts for officials of Town.

B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.

- C. 1. The registration statement shall identify:
- a. The registrant;
 - b. Any other person on whose behalf the registrant acts; and
 - c. The subject matter on which the registrant proposes to make appearances specified in subsection A of this section.
 - d. The registration statement shall cover a defined registration period not to exceed one (1) calendar year.

D. Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

1. The value, date, and nature of any food, entertainment, or other gift provided to a Town official; and
2. If a gift or series of gifts to a single official exceeds \$20.00 in value, the identity of the official.

E. The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt by the Commission.

2.16.080 Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of §2.16.040 and §2.16.060 of this chapter to officials when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter

and the application of this chapter would:

- A. Constitute an unreasonable invasion of privacy; and
- B. Significantly reduce the availability of qualified persons for public service.

2.16.090 Enforcement.

- A. The Commission may:
 - 1. Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §2.16.060 and/or §2.16.070 of this chapter;
 - 2. Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under §2.16.070 of this chapter; and
 - 3. Issue a cease and desist order against any person found to be in violation of this chapter.
- B. 1. Upon a finding of a violation of any provision of this chapter, the Commission may:
 - a. Issue an order of compliance directing the respondent to cease and desist from the violation;
 - b. Issue a reprimand; or
 - c. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- 2. If the Commission finds that a respondent has violated §2.16.070 of this chapter, the Commission may:
 - a. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §2.16.070 of this chapter;
 - b. Impose a fine not exceeding \$1,000 for each violation; and
 - c. Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated §2.16.070 of this chapter or has been

convicted of a criminal offense arising from lobbying activities.

C. 1. Upon the request of the Commission, the Commission's attorney may file a petition for injunctive or other relief in the Circuit Court of Cecil County or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

- 2. The court may:
 - a. Issue an order to cease and desist from the violation;
 - b. Except as provided in paragraph 3, void an official action taken by an official with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - c. Impose a fine of up to \$1,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

3. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

D. In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter and who is an employee of the Town:

- 1. Is subject to personnel action by the Town, including disciplinary action and/or termination; and
- 2. May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or the court.

E. Violation of §2.16.070 of this chapter shall be a misdemeanor subject to a fine of up to \$1,000 or imprisonment of up to one (1) year.

F. A finding of a violation of this chapter by the Commission is public information.

(Ordinance 4-2011, effective 11/8/2011)

Chapter 2.20

ABANDONED PROPERTY

Sections:

- 2.20.010 Purpose.**
- 2.20.020 Disposition of abandoned or found property.**
- 2.20.030 Abandoned or found property to be inventoried.**
- 2.20.040 Disposition of property validly seized.**

2.20.010 Purpose.

The purpose of this chapter is to provide for disposal of abandoned, found or validly seized property in the possession of the police department. (Ord. 6-95 § 2 (part): prior code § 25-1)

2.20.020 Disposition of abandoned or found property.

A. Whenever personal property of any kind, except money, comes into custody of the police department and the person entitled to possession of the property cannot be identified, located and/or fails to claim the property for a period of sixty (60) days, the chief of police may dispose of same at a public sale at a place which shall be convenient and accessible to the public, provided that the time, place and terms of said sale, together with a description of said personal property, shall be published in one or more newspapers of general circulation in the Town of Elkton at least once each week for two consecutive weeks prior to the sale. The chief of police shall, in his description, fix the terms of sale and may employ an auctioneer to make the sale. If the property is of the kind for which a certificate of title or registration shall or should have been issued by the state of Maryland, or any other state or federal agency, the chief of police shall follow those procedures established under the laws of the state of Maryland affecting the disposition of

said property.

B. All funds received by the Town of Elkton resulting from the disposition of abandoned and/or unclaimed property shall be placed in the general fund.

C. Any unidentified personal property of any kind, except money, in the custody of the police department for a period of sixty (60) days may be retained for use by the Town of Elkton in accordance with the policy and procedures approved by the Mayor and Commissioners.

D. Stolen, abandoned, and/or lost money received by the police department shall be retained in accordance with the policy and procedures established by the police department and approved by the Mayor and Commissioners, which shall provide for the disposition of unclaimed and/or unidentified money to the general fund. (Ord. 6-95 § 2 (part): prior code § 25-2)

2.20.030 Abandoned or found property to be inventoried.

All personal property, including money, in the custody of the police department shall be maintained in accordance with the policy and procedures established by the police department and approved by the Mayor and Commissioners. (Ord. 6-95 § 2 (part): prior code § 25-3)

2.20.040 Disposition of property validly seized.

Disposition of property validly seized will be pursuant to and in compliance with the laws of the state of Maryland. (Ord. 6-95 § 2 (part): prior code § 25-4)

Chapter 2.24

POLICE DEPARTMENT LABOR CODE

Sections:

- 2.24.010 Purpose.**
- 2.24.015 Sense of the Mayor and Commissioners.**
- 2.24.020 Definitions**
- 2.24.030 Employee rights.**
- 2.24.040 Town rights.**
- 2.24.050 Recognition of employee organizations.**
- 2.24.060 Negotiations.**
- 2.24.065 Parity for police lieutenants.**
- 2.24.070 Unfair labor practices.**
- 2.24.080 Right of check-off dues and service fees.**
- 2.24.085 Dispute resolution.**
- 2.24.090 Grievance procedure.**
- 2.24.100 Strikes prohibited.**

2.24.010 Purpose

It is the policy of the Mayor and Commissioners of the Town of Elkton and the purpose of this Police Department Labor Code to promote a fair, harmonious, peaceful and cooperative relationship between the management of the Town and the employees of the Elkton Police Department, and to permit employees of the Elkton Police Department to participate in the formulation and implementation of personnel policies affecting their employment, and to protect and serve the public interest by assuring the effective, efficient, responsive, orderly and consistent operation of the Elkton Police Department.

2.24.015 Sense of the Mayor and Commissioners

It is the sense of the Mayor and Commissioners that the word "Council", wherever used in Charter §C9-4, refers to the

Mayor and Commissioners of the Town of Elkton.

2.24.020 Definitions

A. "*Confidential Employee*" - an individual employed by the Town who has access to confidential information, including budgetary and fiscal data, subject to use by the Town in collective bargaining or in the adjustment of grievances, or works in a close and continuing confidential relationship assisting or aiding a management employee.

B. "*Employee*" - an individual employed by the Town and assigned to the Elkton Police Department; provided that, the term employee does not include the Chief of Police, or police officers serving at the rank of lieutenant or above or any supervisory employees, managerial employees or confidential employees, or any employee employed on a casual or temporary basis or while in the employee's probationary period, but does include probationary police officers who have completed their initial entrance level training for certification by the Maryland Police Training Commission.

C. "*Employee Organization*" - any lawful organization which admits employees to membership and exists for the purpose, in whole or in part, of representing employees in collective bargaining with the Town regarding their terms and conditions of employment.

D. "*Grievance*" - a dispute concerning the application or interpretation of the terms of a collective bargaining agreement.

E. "*Impasse Panel*" - the panel of three (3) arbitrators, as referenced in the Charter of the Town of Elkton, Article IX., § C9-4., B., utilized to resolve any disputed issues arising out of the negotiation of a collective bargaining agreement.

F. "*Majority*" - 50% plus one of the valid votes cast in an election conducted pursuant to Section 2.24.050.

G. "*Managerial employee*" - an individual employed by the Town who has authority to formulate policies that are applicable throughout a bargaining unit, or has a significant role in personnel

administration, employee relations or the preparation and administration of Town budgets, or may assist directly in the preparation for and conduct of collective bargaining negotiations on behalf of the Town, or has a significant role in the administration of any collective bargaining agreements on behalf of the Town.

H. “*Secondary Boycott*” – an activity by an employee organization or its members which is intended to induce, encourage, or coerce persons doing business with the Town to withhold, withdraw, or in any respect curtail their business relations with the Town.

I. “*Strike*” – the refusal or failure by an employee or group of employees to perform their duties of employment as assigned if a purpose of the refusal or failure is to induce, force, or require the Town to act or refrain from acting with regard to any matter, including the willful absence of a group of employees from their positions, and the engaging in a slow-down by employees, and the refusal of employees to perform job duties.

J. “*Supervisory Employee*” – an individual employed by the Town authorized to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or responsibly direct employees, or adjust the grievances of employees, or effectively recommend any of the above actions.

K. “*Terms and Conditions of Employment*” – include employee wages, hours of employment, health care benefits, compensated and uncompensated leave, expense allowances for employment-related clothing and equipment, retirement and/or pension system participation, participation in a deferred compensation program, training, discipline, promotional qualifications and examinations, job performance standards and grievance and safety procedures.

2.24.030 Employee rights.

Employees shall have the right of self-organization, to form, join, assist or participate in any employee organization and

to negotiate collectively through eligible representatives of their own choosing regarding their terms and conditions of employment. Employees shall also have the right to refrain from any and all such activities. Exercise of any rights pursuant to this Section shall be subject to the Charter and applicable provisions of any law or ordinance and the terms of any collective bargaining agreement. Nothing in this Chapter or in any collective bargaining agreement shall prohibit an employee from presenting, discussing or resolving any complaint, whether or not arising out of a collective bargaining agreement, directly with a supervisory or managerial employee or the Chief of Police, and without participation of any employee organization; provided that, no such resolution shall be in derogation of any other employee’s rights pursuant to law or any collective bargaining agreement.

2.24.040 Town rights.

Notwithstanding any other provision contained in this Chapter, it is the exclusive right of the Town to determine the amount of funds it will allocate to its Police Department and to each of its other departments and governmental activities, to determine the mission of its public safety and law enforcement department, to set standards of service to be offered to the public, and to exercise control and direction over its organization and operations, including the right to determine shifts and the number of employees on each such shift or to subcontract work or use volunteers. It is also the right of the Town to direct its employees, to hire, promote, transfer, assign or retain employees in positions within the Police Department and, in that regard, to establish work rules. The Town also retains the right to suspend, demote, discharge or take any other disciplinary action against its employees for any reason, not inconsistent with law, or to relieve its employees from duty in the event of lack of funds, or for other legitimate reasons.

The foregoing provisions of this Section shall be a provision in every collective bargaining agreement reached between the Town and an employee organization. No collective bargaining agreement or impasse or grievance arbitration decision shall be binding on any party if said agreement or decision conflicts with or limits this Section.

2.24.050 Recognition of employee organizations.

A. Unless otherwise agreed by the Town, there shall be two (2) units of employees eligible for representation by an exclusive bargaining agent: UNIT A, consisting of all sworn police officers below the rank of lieutenant, including sergeants, corporals and probationary police officers who have completed their initial entrance level training for certification by the Maryland Police Training Commission, and UNIT B, consisting of all other employees of the Police Department as defined in Section 2.24.020B of this Chapter.

B. An employee organization seeking recognition as exclusive bargaining agent for a unit of employees may file a petition seeking that recognition with the Town Administrator in the form approved by the Town Administrator.

C. When a petition is presented to the Town Administrator that demonstrates that at least thirty percent (30%) of the employees in Unit A or Unit B have stated in writing that they seek to be represented for purposes of collective bargaining by the petitioning employee organization and said employee organization is eligible to represent that unit of employees, the Town Administrator shall, on behalf of the Town, grant recognition to the employee organization after verifying, by a secret ballot election conducted by the Board of Supervisors of Elections, that a majority of employees in said unit of employees desire such representation. The secret ballot election shall be conducted between fifteen (15) and thirty (30) calendar days after the Town Administrator determines that the petition satisfies the aforesaid thirty

percent (30%) requirements. When an election is scheduled, other eligible employee organizations that demonstrate support by ten percent (10%) of the employees in the same unit of employees may intervene within seven (7) calendar days after the election date is announced, and such intervener may be on the ballot. Where two (2) or more employee organizations are on the ballot and no employee organization receives the vote of a majority of the employees and a majority also do not vote against representation by any of the employee organizations, a run-off election shall be held within thirty (30) calendar days after the first election date, with the choices being a vote for representation by the employee organization receiving the highest number of votes in the first election and a vote against representation by said employee organization.

D. When an employee organization has been recognized, it shall have the exclusive right to represent employees for the purpose of collective bargaining with the Town regarding the terms and conditions of employment of the represented employees.

E. When an employee organization is recognized by the Town as the exclusive bargaining agent for a unit of employees, an employee or group of employees in that bargaining unit or the Town may file a petition with the Town Administrator, in the form approved by the Town Administrator, asserting that the recognized employee organization no longer represents a majority of the employees in said unit of employees. If the petition is filed by an employee or group of employees, the petitioner(s) must demonstrate that at least thirty percent (30%) of the employees in said unit of employees have stated in writing that they do not wish to be represented by said employee organization. Upon receipt of a petition by the Town or by an employee or group of employees that meets the aforesaid thirty percent (30%) requirement, the Town Administrator shall, on behalf of the Town, certify that the employee organization is no longer recognized as the exclusive representative of that unit of

employees after verifying, by secret ballot election conducted by the Board of Supervisors of Elections, that less than a majority of the employees in said unit of employees desire such representation. Subsection C (except for the first sentence thereof) shall be applicable to elections conducted pursuant to this Subsection E.

F. No petition may be filed pursuant to this Section when the unit of employees affected by the petition is covered by a collective bargaining agreement that expires later than the June 30 that next follows the petition date, unless said agreement will have been in effect for three (3) years or more as of said June 30. After October 31, 2005, a petition may be filed only during the month of November in each year. No election shall be conducted more than once in any twelve (12) months among the employees in any unit of employees. The same employee organization (including its parent body, any subsidiary organization of said parent body or any affiliate thereof) may not, at the same time, be the exclusive representative of the employees in Unit A and Unit B.

2.24.060 Negotiations

A. Upon recognition of an employee organization as the exclusive representative of a unit of employees, the Town and the employee organization shall have the duty, through appropriate officials or their representatives, to negotiate collectively and in good faith with respect to the terms and conditions of employment of those employees. The obligation to negotiate in good faith does not require either party to agree to a proposal of the other or to make any concession. Negotiations for a first collective bargaining agreement between the parties or for modification or termination of an existing collective bargaining agreement shall commence within ten (10) business days after either party makes a written request of the other to commence such negotiations; provided that, said request to commence negotiations for modification or termination of an existing contract shall not be made earlier

than one hundred and eighty (180) calendar days prior to the expiration date of said existing collective bargaining agreement.

B. Negotiations with an employee organization which has been accorded exclusive recognition may be conducted during the duty hours of the employee organization representatives involved in the negotiations, provided that their attendance does not interfere seriously with the normal operations of the Town and that they have given at least two (2) days advanced notice to the Chief of Police.

C. The Director, Department of Human Resources, shall act as the Town's primary representative for the purpose of maintaining communication between the Town and the employee organization regarding collective bargaining negotiations. The employee organization shall designate a primary representative for the same purpose and shall provide the Director, Department of Human Resources, with the name and the necessary contact information of the employee organization's primary representative.

D. When the representatives of the parties reach agreement on the terms of a collective bargaining agreement, they shall prepare a written agreement and submit it to the Town Administrator, who shall subsequently present it to the Mayor and Commissioners for its ratification or rejection for its ratification or rejection. However, any agreement governing the relationship between the Town and a recognized employee organization shall conform to the provisions of this Chapter and all other applicable laws of the Town, State or Federal government. In the event of any conflict or inconsistency between a collective bargaining agreement and any such law, the provisions of said law shall prevail.

E. Impasse panel. In the event that the parties are unable to reach an agreement by March 1 of any year in which collective bargaining is being conducted, the Town and the employee organization are authorized to submit to binding arbitration any unresolved issues arising out of the collective bargaining. The disputed issues shall be submitted to an

impasse panel consisting of three (3) individuals who shall be selected as follows: 1) the Town and the employee organization shall each select one member within three (3) business days after the request by either party for convening an impasse panel; 2) the two (2) members so selected shall select a third member within three (3) business days after their selection. If the two members are unable to agree to a third member of the impasse panel, they shall make their selection from a panel maintained by an independent third party agency agreeable to both parties. If the parties are unable to agree on the independent third party agency, the third member shall be selected from a panel provided by the Federal Mediation and Conciliation Service. The third member of the impasse panel so selected shall serve as the panel's chairperson. The impasse panel shall hold a hearing on all disputed issues within thirty (30) calendar days of the selection of its chairperson and shall issue its final decision within thirty (30) calendar days of the conclusion of the hearing. The decision of the panel shall be final and binding upon the Town and the employee organization. The cost of the impasse panel proceedings (excluding any costs attributable to an impasse panel member unilaterally selected by one of the parties) shall be divided equally between the Town and the employee organization. Notwithstanding the aforementioned process, nothing shall be construed herein to prohibit the impasse panel from mediating the disputed issues at any time prior to the issuance of its final and binding decision.

F. The panel from which the third member is selected pursuant to Subsection E shall consist of seven (7) members of the National Academy of Arbitrators, and the selection shall be determined by the alternate striking of names (the first to strike being determined by coin toss), with the last unstruck name being the third member. If the third member so selected is unwilling to serve or cannot serve within the time specified in Subsection E, the next to last name shall be the third member, and so on. Members of the

impasse panel designated by the Town and the employee organization are not required to be neutral, except that they may not be employees of the Town or the employee organization (or its parent or any affiliates).

G. If unresolved bargaining issues are to be submitted to an impasse panel pursuant to Subsection E, each party shall serve on the other party, no later than five (5) business days after the third member is selected, a complete contract proposal, including both agreed and disputed issues. Each party shall serve on the other party, no later than ten (10) business days after the third member is selected or five (5) business days prior to the opening of the impasse hearing, whichever is earlier, a final contract proposal including both agreed and disputed issues. The final contract proposal of each party, as to any disputed issue, shall be no less favorable to the other party than its last previous proposal on that issue. As to each separate disputed issue, the impasse panel may choose only the Town's final proposal or the employee organization's final proposal as they are set forth in the final contract proposal previously served by each party on the other party.

H. In making its decision, which shall be in writing and include its opinion as to each issue before it, the impasse panel shall take into consideration, among other pertinent factors:

1. The existing terms and conditions of employment of the bargaining unit employees.
2. The terms and conditions of employment of other individuals employed by the Town, and the impact its decision would have on those individuals and on the other governmental activities of the town.
3. The terms and conditions of employment of employees performing like duties under like conditions in comparable police departments in Maryland, also taking into account differences in cost-of-living and ability to pay in the other jurisdictions.
4. Changes in the Consumer Price Index (All Urban Consumers: Washington-Baltimore, DC-MD-VA-WV, 1996=100).

5. The availability to the Town of discretionary, general operating funds, not including funds already committed or budgeted, or funds in capital expenditure or contingency (“rainy days”) funds.

6. The effect of any proposal on the ability of the Police Department to accomplish its mission.

7. The impasse panel may not choose any proposal that would require the Town to treat or result in the Town treating bargaining unit employees differently from other individuals employed by the Town with regard to any aspect of health care benefit plans and any decision contrary to this provision shall be void and the other proposal on that issue shall be binding.

I. If a collective bargaining agreement expires without there being a successor agreement resulting either from an agreement of the parties or from a decision of an impasse panel, the Town may unilaterally institute all or any part of its final contract proposal pursuant to Subsection G; provided that, the Town may agree in writing to waive its rights pursuant to the Subsection.

J. The parties may, by written agreement, waive any of the time limits and dates set forth in this Section.

K. Subsections E. through I. of this Section 2.24.060 shall not be effective until March 1, 2006.

2.24.65 Parity for police lieutenants

A. If Unit A, as delineated in Section 2.24.050A, is represented by an employee organization, police lieutenants (1) as a class, shall receive pay increases from the Town that are no less favorable to them than those received by sergeants as a result of collective bargaining negotiations between the Town and said employee organization, and (2) subject to any legal restrictions applicable to employee benefit plans, shall be permitted to be participants in any retirement/pension plans applicable to sergeants.

B. Except as otherwise provided by Subsections C. and D. of this Section and/or

by the Law Enforcement Officers' Bill of Rights (Public Safety Article, §§ 3-101., et seq., Annotated Code of Maryland, as amended), lieutenants may be terminated or demoted from that rank at will.

C. If terminated from his/her employment as a sworn police officer of the police department for administrative, non-punitive reasons, a lieutenant who was promoted to the rank of lieutenant from a lower sworn rank within the police department shall be treated as if he/she were first demoted to the rank of sergeant and then simultaneously terminated from employment as a sergeant. In such case, the terminated lieutenant shall have the same right to grieve or otherwise challenge his/her termination as would a sergeant, and the validity of his/her termination shall be judged by the same standard and by the same procedure as would apply to the termination of a sergeant. If the challenge to the termination is sustained, the lieutenant shall remain employed by the police department as a sergeant.

D. If demoted to a rank below sergeant for administrative, non-punitive reasons, a lieutenant who was promoted to the rank of lieutenant from a lower sworn rank within the police department shall have the same right to grieve or otherwise challenge the demotion to said lower rank as would a sergeant demoted to said lower rank, and the validity of his/her demotion below the rank of sergeant shall be judged by the same standard and by the same procedure as would apply to the demotion of a sergeant to a lower rank. If the challenge to said demotion is sustained, the lieutenant shall remain employed by the police department as a sergeant.

2.24.070 Unfair labor practices

A. The Town and any agent thereof are prohibited from engaging in the following unfair labor practices with respect to this Chapter: 1) interfering with, restraining or coercing employees in the exercise of their rights of set forth in Section 2.24.030; 2) encouraging or discouraging membership in

an employee organization by discrimination in employment, seniority, promotion or other terms or conditions of employment; 3) controlling or dominating an employee organization by any means; and/or 4) failing to negotiate in good faith with an employee organization.

B. An employee organization and any agent thereof are prohibited from engaging in the following unfair labor practices with respect to this Chapter: 1) interfering with, restraining or coercing employees in the exercise of their rights set forth in Section 2.24.030; 2) inducing the Town or its representatives to commit any unfair labor practices; 3) failing to negotiate in good faith with the Town or its representatives; 4) interfering with, restricting or coercing the Town in its selection of representatives to deal with any employee organization or to exercise the Town's authority in dealing with employees represented by a recognized employee organization; and/or 5) engaging in a secondary boycott.

2.24.080 Right of check-off of dues and service fees.

If there is provision for check-off in a collective bargaining agreement, the employee organization party to said agreement, upon the presentation of payroll deduction authorization cards to the Town's finance department, in a form approved by the Town and duly executed by individual employees, shall be entitled to have each such employee's membership dues or service fees deducted from the employee's wages and remitted to the designated employee organization. Any such authorization may be revoked by the employee upon thirty (30) days written notice by the employee to the employee organization and the Town's finance department or immediately upon the expiration of a collective bargaining agreement applicable to such employee. An employee organization may not charge a service fee to non-members that exceeds seventy-five percent (75%) of the then current dues it is charging members of the employee

organization.

2.24.085 Dispute resolution

If a dispute arises between the Town and any employee organization as to a question concerning representation arising under Section 2.24.050, or if there is a claim by the Town or any employee organization that there has been a violation of Section 2.24.070, the dispute or claim shall be heard by a single Hearing Officer selected by the parties in the same manner as the chairperson of an impasse panel is selected pursuant to Section 2.24.060, and the cost of such proceeding shall be apportioned in the same manner as set forth in Section 2.24.060. The Hearing Officer shall issue a written decision which includes his opinion as to the matter before him and, where appropriate, a remedy. The Hearing Officer may not order a remedy that is not permitted under the federal National Labor Relations Act. The Hearing Officer's decision, if it conforms to the Town's Charter and Code and all other applicable laws, shall be final and binding on the Town and the employee organization which are the parties to the proceeding. Where not otherwise provided or governed by applicable law, including this Chapter, the Hearing Officer, in making decisions pursuant to this Section, may be guided, but not bound, by the law under the federal National Labor Relations Act. Any hearings conducted pursuant to this Section or Section 2.24.060 shall not be open to the general public and the number of members or employees of the parties (other than participants in the hearing) who are permitted to attend a hearing shall be determined by the Hearing Officer or the chairperson of an impasse panel, whichever is applicable.

2.24.090 Grievance procedure.

A collective bargaining agreement between the Town and an employee organization may provide procedures for consideration and resolution of grievances by binding arbitration. In the event that an employee claims that there has been a violation of the laws, rules or regulations of

the Town or the State affecting the terms or conditions of the employee's employment, and said claim may also be a grievance as defined in this Chapter, the employee has the right to choose whether to proceed through the grievance procedure or through a Town or State dispute resolution procedure which may be applicable to such claims. Once an employee has elected to pursue a specific procedure, the employee is bound by that election and subsequently may not choose to follow a different procedure. If the employee elects the Town or State procedure, the claim may not also be the subject of a grievance as defined in this Chapter. Where a matter may be the subject of both a grievance and an unfair labor practice claim, the Town or employee organization or employee seeking relief may proceed only through one process (i.e., grievance or unfair labor practice claim).

engaging in such strike.

2.24.100 Strikes prohibited.

Strikes are prohibited. An employee organization shall not engage in, initiate, sponsor, support or direct a strike. If a strike occurs that is in violation of the preceding sentence, the employee organization representing any employees engaging in a strike shall publicly repudiate said strike and shall take every affirmative action requested of it by the Town to effect an immediate termination of the strike. If any employee organization violates this provision, its recognition as exclusive representative, if any, may, at the Town's option, be revoked and any collective bargaining agreement to which it is a party may, at the Town's option, be annulled, and it shall not be eligible, without the consent of the Town, to participate in elections or be recognized as an exclusive representative for a period of one (1) year thereafter for each calendar day in which it is acting or failing to act in violation of this Subsection. Any employee participating in a strike may, at the Town's option, be terminated or otherwise disciplined without recourse to any contractual procedure or any procedure in this Chapter and without regard to the discipline of any other employee