

DISCUSSION DRAFT – JULY 14, 2020

[Employment Regulations]

- XX-1. Except during the limited term of a temporary appointment to serve in an acting capacity in accordance with the Charter, someone may not hold or serve in a position for which confirmation by the County Council is required by the Charter or exercise the authority or any function of such a position, either generally, on a de facto basis or in the supervision or management of a department or agency of the executive branch that is expressly assigned or attributed to that position by the Charter or this Code, provided, however, that
- A. A person serving pursuant to confirmation by the Council in a position for which the County Executive is required by the Charter to again appoint someone to serve subject to confirmation by the County Council may continue to serve in that position until thirty (30) days after the date when the County Executive is required by the Charter to appoint someone to the position or for such longer period of continued service as may be approved by Council by resolution. After that period has ended or if, during that period, the Council confirms someone to serve in the position, the person then continuing to serve in the position shall have no further implicit or de facto power or authority to continue to serve or act in that position unless he or she shall have been duly appointed and confirmed to serve in the position after that period has ended.
 - B. If a person has been discharged from a position for which confirmation by the County Council is required, he or she shall have no de facto power or other authority to continue to serve or act in that position and may not do so or exercise authority of such a position, either generally or in the supervision or management of a department or agency of the executive branch that is assigned or attributed to that position by the Charter or this Code, except as may be approved by the Council by resolution.
 - C. This section shall apply to anyone who is currently serving in a position on its effective date, and he or she shall be required to cease acting in violation of this section on that date or by such later date as Council may approve by resolution in regard to general or specific conduct after that date.
- XX-2. A person who continues to act in violation of section XX-1 after being notified by the County Council in writing to cease and desist and a County official or employee who knowingly authorizes