

MEMORANDUM

April 14, 2009

TO: Management and Fiscal Policy Committee

FROM: Susan J. Farag, Legislative Analyst ~~SJF~~

SUBJECT: **Worksession: FY10 Operating Budget**
Office of Human Resources (General Fund, Excluding Compensation)

Those expected for this worksession:

Joseph Adler, Director, Office of Human Resources (OHR)

Kaye Beckley, Manager, OHR

George Addae-Mintah, OHR

Lori O'Brien, Management and Budget Specialist, Office of Management and Budget (OMB)

Major Issues: Council staff has identified two potential reductions for the Committee's consideration: the multilingual pay differential, for a savings of \$991,858, and the tuition assistance program, for a savings of \$830,420. These are bargained benefits; if the Council decides not to fund them, it will trigger collective bargaining. See discussion below.

The Executive's recommendation for the Office of Human Resources (OHR) is attached at ©1-8.

Overview

This analysis focuses only on the general fund portion of OHR's budget. Compensation and benefits, including the Employee Health Benefit Self-Insurance Fund, are discussed separately in Mr. Farber's packet for the April 20 Committee meeting. The Executive's recommendation for the General Fund portion of the OHR budget is \$8,655,180, a 9.1% reduction from the approved FY09 Budget.

	FY08 Actual	FY09 Approved	FY10 CE Recommended	% Change FY09-FY10
Expenditures:				
General Fund	\$8,911,184	\$9,522,970	\$8,655,180	-9.1%
Total Expenditures:	\$8,911,184	\$9,522,970	\$8,655,180	-9.1%
Positions:				
Full-time	81	80	80	0.0%
Part-time	5	4	6	50.0%
TOTAL Positions	86	84	86	2.4%
WORKYEARS	50.6	46.6	45.8	-1.7%

The FY10 CE recommendation is a reduction of \$867,790. The reduction stems from several decreases in identified same services adjustments listed on the following page.

Identified Same Service Adjustments	
Shift: Community Outreach manager from CE's Office to OHR	\$141,630
Increase Cost: Labor Agreement Term Negotiations	\$137,000
Increase Cost: Annualization of FY09 Operating Expenses	\$115,960
Increase Cost: Labor Contract Tuition Assistance	\$54,990
Increase Cost: Service Increment	\$29,300
Increase Cost: Retirement Adjustment	\$21,320
Increase Cost: Annualization of FY09 Service Increment	\$10,200
Increase Cost: Printing and Mail Adjustments	\$8,810
Increase Cost: Group Insurance Adjustment	\$7,220
Shift: Stress Management Operating Expenditures from Police	\$7,000
Total Increases:	\$533,430
Decrease Cost: Fairs/Career Days	(\$500)
Decrease Cost: Central Duplicating Recovery Charge	(\$1,060)
Decrease Cost: Consultant Services Budget	(\$10,000)
Decrease Cost: Mgt/Leadership & Pro/Lic Training	(\$15,000)
Decrease Cost: Contractor and Temp Office Clerical	(\$18,220)
Decrease Cost: Outside Training and Travel	(\$30,000)
Decrease Cost: Consultant Services and Training	(\$25,000)
Decrease Cost: Underfill Vacant HR Spec III with PAA	(\$47,400)
Decrease Cost: Part-time Backfill to a FT HR Spec III	(\$58,770)
Decrease Cost: Lapse Vacant Position	(\$66,790)
Decrease Cost: Retirement Incentive Program (RIP) Savings	(\$74,090)
Decrease Cost: Abolish Vacant HR Spec III	(\$75,060)
Decrease Cost: Reduce Contractor and Misc. Admin Charges	(\$109,290)
Decrease Cost: Elimination of One-Time Items Approved in FY09	(\$133,670)
Decrease Cost: Consolidated FROMS and OMS Physician Contracts	(\$179,700)
Decrease Cost: Hold Backfills for 3 Positions Assigned to CIP Tech	(\$182,140)
Decrease Cost: Annualization of FY09 Personnel Costs	(\$374,530)
Total Reductions:	(\$1,401,220)
NET SAME SERVICES ADJUSTMENT TOTAL:	(\$867,790)

FY10 Expenditure Issues

Corrected Budget Crosswalk Attached

OHR underwent a department-wide reorganization during FY09. When the budget was prepared, expenditures and workyears for the FY09 budget were aligned to programs in the old structure, while the FY10 budget was aligned to programs under the new structure. While discussing various budget issues with OHR, it was discovered that there were some errors in the allocations. An updated budget crosswalk is attached at ©9-11.

Multilingual Pay Differential

Given the County's current budget situation, Council staff has identified the multilingual pay differential as a potential reduction. This benefit could be suspended for FY10, thereby reducing expenditures by \$991,858. Council staff recognizes that recruiting and retaining multilingual staff to serve a very diverse County population is critical. Since both County hiring and turnover remain relatively flat, this benefit could be suspended for one fiscal year with no significant service impact.

County regulations¹ provide a multilingual pay differential to employees who are fluent in English and: (1) are certified by OHR as having basic or advanced multilingual skills; (b) are assigned to a position designated for a multilingual pay differential or who fill a general department need for specific language skills; and (c) actually provide or are available to provide multilingual services in the course of employment. Relevant sections of County regulations are attached at ©12-14.

The actual amount of the differential is bargained and varies by group:

Multilingual Pay Differential by Employee Group²

Employee Group	Basic Level Differential	Advanced Level Differential
MCGEO	\$1.00 per hour for all hours worked	\$1.50 per hour for all hours worked.
Unrepresented	\$1.00 per hour for all hours worked.	\$1.50 per hour for all hours worked.
FOP	\$1.00 per hour for all hours worked.	\$2.00 per hour for all hours worked.
IAFF	\$1.00 per hour for all hours worked.	n/a

As of April 9, 2009 OHR stated there were 643 County employees who were certified to receive a multilingual pay differential. Of these, 442 were certified in Spanish. Departments that had the most employees certified as multilingual include: Health and Human Services (249), Police (107), Public Libraries (61), Corrections (67), and Fire/Rescue (41). A chart showing breakdowns by language and department is attached at ©22.

The multilingual pay differential is paid for all hours worked, regardless of whether the employee actually uses the language while working. The following chart shows County expenditures for multilingual pay in FY09 and the recommended amount in FY10.

Funding Source	FY09 Approved Multilingual Pay			FY10 Recommended Multilingual Pay		
	Regular Pay	Overtime	Total	Regular Pay	Overtime	Total
Taxes	\$974,003	\$18,000	\$992,003	\$971,503	\$18,000	\$989,503
Non-Tax	\$4,612	\$0	\$4,612	\$2,355	\$0	\$2,355
Total Appropriation:	\$978,615	\$18,000	\$996,615	\$973,858	\$18,000	\$991,858

¹ COMCOR 33.07.01.10-9(c)

² MCGEO Agreement, July 1, 2007 through June 30, 2010, page 7.

FOP Agreement, July 1, 2007 through June 30, 2010, page 6.

IAFF Agreement, 2008 through 2011, page 49 (relevant pages of current agreements attached at ©15-21).

Tuition Assistance

Given the County's current budget situation, Council staff has identified tuition assistance as a potential reduction. This benefit could be suspended for FY10, thereby reducing expenditures by \$830,420.

County regulations³ provide employee tuition assistance to County employees on a first-come, first-served basis (relevant sections of County regulations are attached at ©23-26). The cap on tuition assistance is specified in the respective collective bargaining agreements. For FY09, it is \$1,630 for a full-time employee and \$815 for a part-time employee. In FY10, the cap increases to \$1,730 and \$865 respectively. Relevant sections of collective bargaining agreements are attached at ©27-31. A County employee who receives tuition assistance must remain employed by the County for one or two years, depending on the bargaining unit, and all coursework must be completed with a passing grade.

The CE's recommended budget includes a \$54,990 increase for tuition assistance under the collective bargaining contracts, for a total of \$830,420.

Other Expenditure Issues

Most increases in the CE's recommended budget stem from personnel expenditures such as service increments, retirement adjustments, health insurance adjustments, and operating cost adjustments to printing and mail services. Recommended reductions are more varied. Significant changes are discussed below.

Director's Office: This office is responsible for policy development and planning, administration, and customer service.

Shift: Community Outreach Manager from CE's Office to OHR (\$141,630)

This item was erroneously included in the FY10 crosswalk. It was approved in the FY09 budget and is part of the base budget. The position was originally transferred to OHR so that the incumbent could focus on recruitment outreach. The error has been corrected in the corrected FY10 budget crosswalk (see © 9-11).

Reduce: Outside Training and Related Travel (-\$30,000)

This item reduces training and travel expenses, as well as miscellaneous office supplies, postage, and operating expenses in the Director's Office.

³ COMCOR 33.07.01.14-1(c)

Business Operations and Performance: This division is comprised of the Classification, Compensation, Records Management, and Administration teams.

Reduce: Consultant Services Budget (-\$10,000)

This budget item funds consultant services for individual classification studies, occupational class studies, class study appeals, and gain-sharing. The total appropriation is \$237,160 for FY10, after the \$10,000 reduction.

Reduce: Contractor and Temp Office Clerical Expenses (-\$18,220)

This item reduces temporary office clerical expenses from \$8,220 to \$0, and other professional services costs from \$217,000 to \$207,000 in FY10. Most temporary services are used in imaging and data entry for peak periods and special projects. For FY10, OHR has obtained the services of a temporary employee at no cost to the County through the Senior Community Service Employment program of the Jewish Council on Aging. This program helps senior citizens in the County to acquire job skills to enable them to re-enter the workforce. The Jewish Council on Aging provides compensation to the employee while they acquire the job skills.

The \$10,000 reduction is for programming support for Unified Data Modeler (UDM) and Electronic Personnel Action Form (e-PAF) systems that support MCTime, e-Perform, and other related systems. OHR states it can absorb this cut with no service impact.

Change Management, Training, and Organizational Development: This division promotes collaboration, competence, and organizational effectiveness through leadership, workforce development, succession planning, and change management.

Reduce: Management/Leadership and Professional/Licensure Training (-\$15,000)

This item is cutting the Interviewing and Selecting Employees training budget. Such training is required for all County interviewing panels and hiring managers. Currently, OHR contracts with Montgomery College to provide this training. Instead, OHR staff will be trained to provide the course. This item reduces training cost to \$161,450.

Reduce: Underfill Vacant HR Specialist III with PAA Intern (-\$47,400)

This position was filled on January 18, 2009 and is located in Change Management, Training, and Organizational Development. Savings reflect the difference in salary and benefits.

Reduce: Part-Time Backfill to Full-Time HR Spec III with PAA Intern (-\$58,770)

This is lapse savings reflecting the difference in salary and benefits. A part-time position PAA Intern will replace the full-time HR Specialist III position.

Reduce: Lapse Vacant Position (-\$66,790)

This lapse savings represents one vacant OSC position.

Selection and Recruitment: This division is responsible for attracting, hiring, and promoting candidates for County departments and agencies that result in a highly skilled, competent, and diverse workforce.

Reduce: Abolish Vacant HR Specialist III Position (-\$75,060)

This vacant position was assigned to the Recruitment and Selection team. Duties and Responsibilities are already being performed by other staff.

Labor and Employee Relations: This division supports County managers in the areas of collective bargaining and related personnel policies and procedures by negotiating competitive compensation and benefits through collective bargaining

Increase: Labor Agreement Term Negotiations (\$137,000)

The CE's budget includes \$137,000 for MCGEO term negotiations and the FOP re-opener. This amount was included in the FY08 budget, but had been eliminated in the FY09 budget because negotiations were not anticipated. Negotiations are anticipated in FY10, so the item was restored.

Reduce: Consultant Services and Training (-\$25,000)

This item reduces funding for arbitration services, other professional services, and staff training. The total recommended FY10 appropriation for this item is \$401,100.

Equal Employment Opportunity and Diversity Management: This team provides assistance, guidance, and training to employees and managers concerning equal employment and diversity management in order to promote a discrimination-free workplace that values diversity.

Reduce: Job Fairs/Career Days (-\$500)

This item reduces the appropriation for job fairs and career days from \$7,500 to \$7,000 in FY10.

Occupational Medical Services: This division provides multi-disciplinary occupational medical services, including health promotion, work-related medical and safety hazard assessments, and employee disability management.

Reduce: Consolidate FROMS and OMS Physician Contracts (-\$179,700)

OMS currently manages two contracts that provide medical services to County employees. One contract provides these services solely to Fire and Rescue Service employees. The other contract provides them to the rest of County personnel. Combining them would provide some efficiencies of scale.

Shift: Stress Management Operating Expenditures from Police to OMS (\$7,000)

In FY08, psychologists who provide stress management services to the Police Department were shifted from the Police to OHR to preserve confidentiality. The Police Department retained the budget, and OHR charged the expenses back to it. In FY09, the personnel costs were moved from Police to OHR, and in FY10, the administrative overhead is being shifted from Police to OHR as well.

Department-wide Changes

Reduce: Retirement Incentive Program (RIP) Savings (-\$74,090)

This item reflects reductions taken in Selection and Recruitment and the Director's Office for two positions whose incumbents are expected to retire under the RIP.

Reduce: Contractor and Miscellaneous Administrative Charges (-\$109,290)

This item reduces temporary office clerical services and general administrative overheads. It is divided among the Director's Office, Business Operations and Performance, and Change Management.

Reduce: Hold Open for 6 Months 3 Backfill Positions Assigned to CIP Technology Modernization Project (-\$182,140)

The incumbents of these positions have been temporarily assigned to the CIP Technology Modernization Project. OHR and other departments could backfill these to meet staffing needs. This item holds three backfilled positions open (vacant) for six months. Positions are assigned to the Change Management, Selection and Recruitment, and Benefits and Information Management divisions.

Reduce: Annualization of FY09 Personnel Costs (-\$374,530)

This is the Office of Management and Budget’s estimate of the reduction in projected personnel costs, due to turnover. Savings are realized from when higher-paid terminating employees are replaced with entry level employees, and from lapse.

Chargebacks

The recommended OHR operating budget does not include a total of \$4,002,250 and 13.9 workyears that are charged to other accounts. The table below shows a breakout of chargeback totals. The funding and workyears that are charged back are included in the respective receiving departments’ budgets.

FY10 CE Recommended Chargebacks

Chargebacks	Total Funds	Workyears
CIP	\$1,078,660	8.6
Fire and Rescue Service	\$1,962,760	2
Motor Pool	\$81,250	0.2
Health and Human Services	\$71,520	0.1
Liquor Control	\$61,880	0.1
Bethesda Parking District	\$4,950	0
Montgomery Hills Parking District	\$90	0
Silver Spring Parking District	\$5,720	0
Wheaton Parking District	\$770	0
Permitting Services	\$10,170	0
Police	\$240,600	2
Recreation	\$46,930	0.1
Solid Waste Collection	\$330	0
Solid Waste Disposal	\$2,580	0
Mass Transit	\$431,090	0.8
Vacuum Leaf Collection	\$1,420	0
Bethesda Urban District	\$30	0
Silver Spring Urban District	\$930	0
Wheaton Urban District	\$570	0
Total:	\$4,002,250	13.9

Council Staff Recommendation

Council staff recommends reducing OHR expenditures by a total of \$1,822,278 by suspending both the multilingual pay differential and tuition assistance for FY10. Council staff supports the remainder of the recommended FY10 budget as submitted by the Executive.

This Packet Contains:

FY09 Recommended Budget: OHR	© 1 – 8
Corrected FY10 Budget Crosswalk	9 –11
COMCOR – Multilingual Pay Regulations	12–14
MCGEO Multilingual Pay Provisions	15–16
FOP Multilingual Pay Provisions	17–18
IAFF Multilingual Pay Provisions	19–21
County Multilingual Pay Data by Department	22
COMCOR – Tuition Assistance Regulations	23–26
MCGEO Tuition Assistance Provisions	27
FOP Tuition Assistance Provisions	28
IAFF Tuition Assistance Provisions	29–31

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Human Resources

MISSION STATEMENT

To provide a proactive and responsive human resources program that attracts, develops, and retains a diverse, high-performing, and well-qualified workforce.

BUDGET OVERVIEW

The total recommended FY10 Operating Budget for the Office of Human Resources is \$182,956,000, an increase of \$11,156,840 or 6.5 percent from the FY09 Approved Budget of \$171,799,160. Personnel Costs comprise 3.4 percent of the budget for 80 full-time positions and six part-time positions for 57.6 workyears. Operating Expenses account for the remaining 96.6 percent of the FY10 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ *A Responsive, Accountable County Government*

DEPARTMENT PERFORMANCE MEASURES

This table presents the department's headline measures or submeasures that relate to multiple programs including projections from FY09 through FY11. These estimates reflect funding based on the FY09 savings plan, the FY10 budget, and funding for comparable service levels in FY11.

Measure	Actual FY07	Actual FY08	Estimated FY09	Projected FY10	Projected FY11
Headline Measures					
Average customer satisfaction rating on the yearly internal customer survey of County managers ¹	2.71	2.73	2.75	2.80	2.83
Customer satisfaction with training: Percentage who found training helpful to job	86	91	86	86	86
Customer satisfaction with training: Percentage who found training helpful to development	91	90	87	87	87
Average number of days to fill a vacant County position	80	47	90	90	90
Average number of sick leave hours used per active career employee	68	85	70	70	70
Average satisfaction of departments with pools of candidates for positions ²	4.3	4.0	4.3	4.3	4.3
Multi-Program Measures					
Percentage of separating employees satisfied with compensation and benefits	98.5	98.5	98.5	99	99
Employee turnover as a percentage of total workforce	6.2	6.6	6.7	6.8	6.8

¹ The satisfaction scale ranges from low (1) to high (4).

² The satisfaction scale ranges from low (1) to high (5).

ACCOMPLISHMENTS AND INITIATIVES

- ❖ *Developed and successfully deployed a Retirement Incentive Plan which generated an additional 150 retirements with expected cost savings in excess of \$5 million.*
- ❖ *Expanded the County's prescription drug plan to include utilization management review of mandatory generic and mail order programs with an expected cost savings of \$1 million.*
- ❖ *Successfully rolled out ePAF (Electronic Personnel Action Form) as a pilot in one of the largest agencies, the Department of Health and Human Services. Improvements in tracking personnel actions, reducing processing errors, electronic transmission of notifications, and electronic imaging of actions have been realized.*
- ❖ *Initiated email triggers/notifications to applicants throughout the employment process on status (application received, rating determination, whether or not on the eligible list, and confirmation that position has been filled).*

- ❖ *Improved on-line application process to include paperless on-line resume submission, enhanced Resume Builder, more user-friendly job description page, enhanced sign-in page, Single Sign On for in-house users, and a short application form for public safety promotional examinations.*
- ❖ *Partnered with Montgomery College to provide training programs at costs below the national training industry standards. In FY08, over 766 training programs were provided at an average cost for computer training of \$800 for a full-day class and \$450 for a half-day class. The average cost for professional development training is \$950 for a full-day class and \$650 for a half-day class.*
- ❖ *Expanded the Computer Based Training Programs in FY08 and FY09 to include:*
 - o *Security Awareness and Training Program (ISATP)*
 - o *e-Perform: Understanding the Performance Evaluation Process*
 - o *Random Moment Time Study (RMTS)*
 - o *Health Insurance Portability and Accountability Act (HIPAA) Basic Training*
 - o *Performance and Quality Improvement (PQI) Training*

PROGRAM CONTACTS

Contact George Addae-Mintah of the Office of Human Resources at 240.777.5039 or Lori O'Brien of the Office of Management and Budget at 240.777.2788 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Director's Office

The Director's Office is responsible for: human resources policy development and planning; the administration of human resources programs; ensuring the integrity of the merit system; and directing the design and implementation of new initiatives to better serve customers and improve organizational performance. The team also provides direct customer service at the main reception area.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	669,240	3.5
Shift: Community Outreach Manager from County Executive's Office to Office of Human Resources	141,630	1.0
Decrease Cost: Outside Training and Related Travel	-30,000	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	68,730	-0.5
FY10 CE Recommended	849,600	4.0

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous increase.

Business Operations and Performance

The Business Operations and Performance division is comprised of the Classification, Compensation, Records Management, and the Administration teams.

The Classification and Compensation team reviews and evaluates the duties and responsibilities of individual positions and occupational classes in response to employee, department, and union requests in order to assure that positions are correctly assigned at comparable grade levels. This program also ensures that employees are accurately and appropriately compensated through technical analysis and equitable application of compensation systems and procedures. The team designs compensation plans and provides leadership to departments on performance-based pay.

The Records Management team is responsible for establishing and maintaining personnel records that are required by law and or necessary for the administration of the merit system. The team enters data into Position Control for the position and employee information into Human Resources Management System (HRMS), so that an employee's paycheck can be generated. Administration team provides management and oversight to office procurements and contracts, budget preparation and administration, and financial management of the employee health benefits and retirement funds. The team also remits payments to benefit program carriers and third party administrators, approves invoices, and remits bills to employees and retirees as necessary.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	1,804,660	16.8
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	219,360	-1.3
FY10 CE Recommended	2,024,020	15.5

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous increase.

Change Management, Training, and Organizational Development

The team promotes collaboration, competence, and organizational effectiveness through leadership, workforce development, succession planning, and change management. The goal of the team is to ensure an organizational framework is designed to lead Countywide change efforts for improved organizational effectiveness and strategic intervention. The team leads and facilitates a strategic business effort to align training/organizational development, organizational effectiveness, and change management with the County's objectives and desired outcomes. The team designs short and long term business strategies to create required professional competencies, organizational performance and effectiveness, and champions organizational change efforts to support the County's objectives. The team establishes strong and credible relationship with management and employees to successful build trust, collaboration, and integrity.

Program Performance Measures	Actual FY07	Actual FY08	Estimated FY09	Projected FY10	Projected FY11
Customer satisfaction with training: Percentage who found training helpful to job	86	91	86	86	86
Customer satisfaction with training: Percentage who found training helpful to development	91	90	87	87	87

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	2,162,210	7.0
Increase Cost: Labor Contract - Other (Tuition Assistance)	54,990	0.0
Decrease Cost: Consultant Services Budget	-10,000	0.0
Decrease Cost: Management/Leadership and Professional/Licensure Training	-15,000	0.0
Decrease Cost: Contractor and Temporary Office Clerical Expenses	-18,220	0.0
Decrease Cost: Underfill Vacant Human Resources Specialist III with a Public Administration Intern	-47,400	0.0
Decrease Cost: Part-time Backfill to a Full-time Human Resources Specialist III	-58,770	-0.5
Decrease Cost: Lapse Vacant Position	-66,790	-0.6
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-302,110	0.2
FY10 CE Recommended	1,698,910	6.1

Notes: Miscellaneous adjustments include elimination of one-time items approved in FY09. These items include labor contract costs and Occupational Medical Services items including the purchase of bio-packs and physical exams for non-Commercial Drivers License holders. In addition, the Office of Human Resources reorganized in FY09, which contributes to the decrease.

Selection and Recruitment

The Recruitment and Selection team is responsible for attracting, hiring, and promoting candidates for County departments and agencies that result in a highly skilled, competent, and diverse workforce. The team engages in a wide variety of outreach activities designed to ensure quality and diversity in the candidate population, provides guidance to departments and agencies on selection and hiring, conducts new employee orientation, administers reduction-in-force, and designs and administers public safety promotional examinations and other employment tests.

Program Performance Measures	Actual FY07	Actual FY08	Estimated FY09	Projected FY10	Projected FY11
Average number of days to fill a vacant County position	80	47	90	90	90
Average satisfaction of departments with pools of candidates for positions ¹	4.3	4.0	4.3	4.3	4.3

¹ The satisfaction scale ranges from low (1) to high (5).

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	2,080,050	8.4
Decrease Cost: Abolish Vacant Human Resources Specialist III Position	-75,060	-1.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-621,680	2.0
FY10 CE Recommended	1,383,310	9.4

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous decrease.

Labor and Employee Relations

The Employee/Labor Relations team is designed to support County managers in the areas of collective bargaining and related personnel policies and procedures by negotiating competitive compensation and benefits through collective bargaining and by providing early intervention strategies in workplace disputes in order to enable managers to comply with contractual and legal requirements and improve employee labor relations. Services include: the administration of the grievance processes through Alternative Dispute Resolution and/or formal grievance meetings to address employee/management disputes concerning alleged violations; assisting departments and agencies with labor related and employee relations issues through training workshops and consultation; reviewing proposed adverse and disciplinary actions; developing personnel policies and regulations changes; and

overseeing bilateral work groups and committees. The Employee/Labor Relations team is also responsible for oversight and administration of the County's policies on compensation.

FY10 Recommended Changes	Expenditures	WY
FY09 Approved	1,158,420	4.5
Increase Cost: Labor Agreement Term Negotiations	137,000	0.0
Decrease Cost: Consultant Services and Training	-25,000	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-296,670	1.3
FY10 CE Recommended	973,750	5.8

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous decrease.

Equal Employment Opportunity and Diversity

The Equal Employment Opportunity (EEO) and Diversity Management team provides assistance, guidance, and training to employees and managers concerning equal employment and diversity management in order to promote a discrimination free workplace that values diversity. The team also investigates complaints of harassment and discrimination by and against employees. Additional services and programs include mediation program, EEO compliance training, workplace harassment training, and the annual Montgomery County Diversity celebration. This program also supports the Montgomery County Diversity Council and participates in the ADA Task Force, Community Outreach Forum, Limited English Proficiency Committee, Diversity Health Fair, Diversity Educational Fair, the Juneteenth Program, Black History Month program, and co-sponsors events with the various employee organizations. The team is responsible for the production of the annual EEO and Diversity Action Plan and complying with other Federal EEO-related reporting requirements and statistical analysis.

Program Performance Measures	Actual FY07	Actual FY08	Estimated FY09	Projected FY10	Projected FY11
Number of County job groups in which minorities are underrepresented ¹	40	39	38	36	36

¹ In FY08, the County had over 900 job groups.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	476,540	4.0
Decrease Cost: Fairs/Career Days Operating Expenses	-500	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-57,290	-0.2
FY10 CE Recommended	418,750	3.8

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous decrease.

Benefits and Information Management

The Benefits and Information Management program is comprised of the Employee Benefits team and the Information Technology team. The Employee Benefits team manages the County's group insurance and retirement benefit programs, including the 457 deferred compensation plan. In addition to maintaining operations associated with benefit eligibility and payment processing, the team provides customer service, education, and consulting to County employees, participating County agencies, and retirees in a manner that ensures an understanding of benefit program provisions and their value as part of total compensation. Services include: conducting presentations and workshops; retirement and investment counseling; benefit processing and eligibility maintenance, development, and administrative oversight of all benefit plans and related communication; COBRA; and ensuring legal compliance. The Information Technology team provides management and oversight to the Department's information technology initiatives.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	161,779,540	10.3
Increase Cost: Increase in Estimated Claims Costs and Carrier Administration Charges	12,103,000	0.0
Increase Cost: Annualization of FY09 Lapsed Positions	9,040	0.1
Increase Cost: Service Increment	6,170	0.0
Increase Cost: Retirement Adjustment	2,910	0.0
Increase Cost: Group Insurance Adjustment	1,390	0.0
Increase Cost: Printing and Mail Adjustments	1,260	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-194,750	-1.4
FY10 CE Recommended	173,708,560	9.0

Notes: The Office of Human Resources reorganized in FY09, contributing to the miscellaneous decrease.

Occupational Medical Services

The Occupational Medical Services (OMS) program provides multi-disciplinary occupational medical services, including health promotion, work-related medical and safety hazard assessments, and employee disability management in order to promote the health, wellness, and productivity of the County workforce. Services include: comprehensive medical evaluations of employees to determine their state of health vis-a-vis employment; providing early identification of health risks and diseases; ensuring equal job opportunities through reasonable accommodation of disabled persons in the workplace; and improving personal well-being and workforce health and health awareness through a comprehensive employee wellness program that utilizes the Employee Assistance Program (EAP) and an employee wellness provider. Occupational Medical Services also manages the Disability Retirement Program and the medical services component of the Fire and Rescue Service's Wellness Initiative.

FY10 Recommended Changes	Expenditures	WYs
FY09 Approved	1,668,500	4.3
Shift: Stress Management Operating Expenditures (from Police)	7,000	0.0
Decrease Cost: Consolidate FROMS and OMS Professional Physician Contracts Into One Fixed-Price Contract, Effective January 1, 2010	-179,700	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	403,300	-0.3
FY10 CE Recommended	1,899,100	4.0

Notes: Miscellaneous adjustments include elimination of one-time items approved in FY09. These items include labor contract costs and Occupational Medical Services item including the purchase of bio-packs and physical exams for non-Commercial Drivers License holders. In addition, the Office of Human Resources reorganized in FY09, contributing to the miscellaneous increase.

BUDGET SUMMARY

	Actual FY08	Budget FY09	Estimated FY09	Recommended FY10	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	4,037,750	4,625,930	4,179,960	3,911,980	-15.4%
Employee Benefits	1,129,931	1,100,970	1,056,170	1,145,810	4.1%
County General Fund Personnel Costs	5,167,681	5,726,900	5,236,130	5,057,790	-11.7%
Operating Expenses	3,743,503	3,796,070	3,796,070	3,597,390	-5.2%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	8,911,184	9,522,970	9,032,200	6,655,180	-9.1%
PERSONNEL					
Full-Time	81	80	80	80	—
Part-Time	5	4	4	6	50.0%
Workyears	50.6	46.6	46.6	45.8	-1.7%
EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND					
EXPENDITURES					
Salaries and Wages	448,483	1,011,420	827,280	956,860	-5.4%
Employee Benefits	236,806	314,850	234,670	289,780	-8.0%
Employee Health Benefit Self Insurance Fund Pers. Costs	685,289	1,326,270	1,061,950	1,246,640	-6.0%
Operating Expenses	145,279,961	160,949,920	157,295,190	173,054,180	7.5%
Capital Outlay	0	0	0	0	—
Employee Health Benefit Self Insurance Fund Exp.	145,965,250	162,276,190	158,357,140	174,300,820	7.4%
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
Workyears	11.0	12.2	12.2	11.8	-3.3%
REVENUES					
Self Insurance Employee Health Income	150,625,670	157,327,120	157,361,450	168,036,560	6.8%
Investment Income	1,368,150	369,180	103,100	95,840	-74.0%
Employee Health Benefit Self Insurance Fund Revenues	151,993,820	157,696,300	157,464,550	168,132,400	6.6%
DEPARTMENT TOTALS					
Total Expenditures	154,876,434	171,799,160	167,389,340	182,956,000	6.5%
Total Full-Time Positions	81	80	80	80	—
Total Part-Time Positions	5	4	4	6	50.0%
Total Workyears	61.6	58.8	58.8	57.6	-2.0%
Total Revenues	151,993,820	157,696,300	157,464,550	168,132,400	6.6%

FY10 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY09 ORIGINAL APPROPRIATION	9,522,970	46.6
Other Adjustments (with no service impacts)		
Shift: Community Outreach Manager from County Executive's Office to Office of Human Resources [Director's Office]	141,630	1.0
Increase Cost: Labor Agreement Term Negotiations [Labor and Employee Relations]	137,000	0.0
Increase Cost: Annualization of FY09 Operating Expenses	115,960	0.0
Increase Cost: Labor Contract - Other (Tuition Assistance) [Change Management, Training, and Organizational Development]	54,990	0.0
Increase Cost: Service Increment	29,300	0.0
Increase Cost: Retirement Adjustment	21,320	0.0
Increase Cost: Annualization of FY09 Service Increment	10,200	0.0
Increase Cost: Printing and Mail Adjustments	8,810	0.0
Increase Cost: Group Insurance Adjustment	7,220	0.0
Shift: Stress Management Operating Expenditures (from Police) [Occupational Medical Services]	7,000	0.0
Technical Adj: Technical Adjustment	0	1.8
Decrease Cost: Fairs/Career Days Operating Expenses [Equal Employment Opportunity and Diversity]	-500	0.0
Decrease Cost: Central Duplicating Deficit Recovery Charge	-1,060	0.0
Decrease Cost: Consultant Services Budget [Change Management, Training, and Organizational Development]	-10,000	0.0
Decrease Cost: Management/Leadership and Professional/Licensure Training [Change Management, Training, and Organizational Development]	-15,000	0.0

	Expenditures	WYs
Decrease Cost: Contractor and Temporary Office Clerical Expenses [Change Management, Training, and Organizational Development]	-18,220	0.0
Decrease Cost: Consultant Services and Training [Labor and Employee Relations]	-25,000	0.0
Decrease Cost: Outside Training and Related Travel [Director's Office]	-30,000	0.0
Decrease Cost: Underfill Vacant Human Resources Specialist III with a Public Administration Intern [Change Management, Training, and Organizational Development]	-47,400	0.0
Decrease Cost: Part-time Backfill to a Full-time Human Resources Specialist III [Change Management, Training, and Organizational Development]	-58,770	-0.5
Decrease Cost: Lapse Vacant Position [Change Management, Training, and Organizational Development]	-66,790	-0.6
Decrease Cost: Retirement Incentive Program (RIP) Savings	-74,090	0.0
Decrease Cost: Abolish Vacant Human Resources Specialist III Position [Selection and Recruitment]	-75,060	-1.0
Decrease Cost: Reduce Contractor and Miscellaneous Administrative Charges	-109,290	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY09	-133,670	0.0
Decrease Cost: Consolidate FROMS and OMS Professional Physician Contracts Into One Fixed-Price Contract, Effective January 1, 2010 [Occupational Medical Services]	-179,700	0.0
Decrease Cost: Hold Backfills for 3 Positions Assigned to CIP Technology Modernization Project Open For 6 Months	-182,140	-1.5
Increase Cost: Annualization of FY09 Personnel Costs	-374,530	0.0
FY10 RECOMMENDED:	8,655,180	45.8

EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND

FY09 ORIGINAL APPROPRIATION	162,276,190	12.2
Other Adjustments (with no service impacts)		
Increase Cost: Increase in Estimated Claims Costs and Carrier Administration Charges [Benefits and Information Management]	12,103,000	0.0
Increase Cost: Annualization of FY09 Lapsed Positions [Benefits and Information Management]	9,040	0.1
Increase Cost: Service Increment [Benefits and Information Management]	6,170	0.0
Increase Cost: Retirement Adjustment [Benefits and Information Management]	2,910	0.0
Increase Cost: Group Insurance Adjustment [Benefits and Information Management]	1,390	0.0
Increase Cost: Printing and Mail Adjustments [Benefits and Information Management]	1,260	0.0
Technical Adj: Technical Adjustment	0	-0.5
Increase Cost: Annualization of FY09 Personnel Costs	-99,140	0.0
FY10 RECOMMENDED:	174,300,820	11.8

PROGRAM SUMMARY

Program Name	FY09 Approved		FY10 Recommended	
	Expenditures	WYs	Expenditures	WYs
Director's Office	669,240	3.5	849,600	4.0
Business Operations and Performance	1,804,660	16.8	2,024,020	15.5
Change Management, Training, and Organizational Development	2,162,210	7.0	1,698,910	6.1
Selection and Recruitment	2,080,050	8.4	1,383,310	9.4
Labor and Employee Relations	1,158,420	4.5	973,750	5.8
Equal Employment Opportunity and Diversity	476,540	4.0	418,750	3.8
Benefits and Information Management	161,779,540	10.3	173,708,560	9.0
Occupational Medical Services	1,668,500	4.3	1,899,100	4.0
Total	171,799,160	58.8	182,956,000	57.6

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY09		FY10	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
CIP	CIP	1,020,050	8.4	1,078,660	8.6
Fire and Rescue Service	Fire	2,215,610	2.0	1,962,760	2.0
Fleet Management Services	Motor Pool Internal Service Fund	100,390	0.2	81,250	0.2
Health and Human Services	County General Fund	76,970	0.2	71,520	0.1
Liquor Control	Liquor Control	74,050	0.1	61,880	0.1
Parking District Services	Bethesda Parking District	7,230	0.0	4,950	0.0
Parking District Services	Montgomery Hills Parking District	150	0.0	90	0.0
Parking District Services	Silver Spring Parking District	7,720	0.0	5,720	0.0
Parking District Services	Wheaton Parking District	1,080	0.0	770	0.0

Charged Department	Charged Fund	FY09		FY10	
		Total\$	WYs	Total\$	WYs
Permitting Services	Permitting Services	16,060	0.0	10,170	0.0
Police	County General Fund	728,880	6.5	240,600	2.0
Recreation	Recreation	12,100	0.0	46,930	0.1
Solid Waste Services	Solid Waste Collection	340	0.0	330	0.0
Solid Waste Services	Solid Waste Disposal	2,740	0.0	2,580	0.0
Transit Services	Mass Transit	399,290	0.7	431,090	0.8
Transportation	Vacuum Leaf Collection	1,130	0.0	1,420	0.0
Urban Districts	Bethesda Urban District	40	0.0	30	0.0
Urban Districts	Silver Spring Urban District	1,940	0.0	930	0.0
Urban Districts	Wheaton Urban District	1,220	0.0	570	0.0
Total		4,666,990	18.1	4,002,250	13.9

FUTURE FISCAL IMPACTS

Title	CE REC. (\$000's)					
	FY10	FY11	FY12	FY13	FY14	FY15
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY10 Recommended	8,655	8,655	8,655	8,655	8,655	8,655
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	14	14	14	14	14
These figures represent the estimated cost of service increments and associated benefits.						
Labor Contracts - Other	0	5	5	5	5	5
These figures represent other negotiated items included in the labor agreements.						
Subtotal Expenditures	8,655	8,674	8,674	8,674	8,674	8,674
EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND						
Expenditures						
FY10 Recommended	174,301	174,301	174,301	174,301	174,301	174,301
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	3	3	3	3	3
These figures represent the estimated cost of service increments and associated benefits.						
Subtotal Expenditures	174,301	174,304	174,304	174,304	174,304	174,304

CORRECTED
FY10 CROSSWALK

OHR FY10 BUDGET CROSSWALK BY PROGRAMS

	Recommended Changes	Expenditures	Wys	Comments
DIRECTOR'S OFFICE				
	FY09 Approved	894,148	4.00	Community Outreach Manager is reflected in the base and should not have been listed as a crosswalk item
	Decrease Cost: Reduce Director's Office Operating Expenses Budget, Primarily by Limiting Temporary Office Clerical Services and General Administrative Overheads.	(33,200)		Program's Allocation of \$109,290 for Reduce Contractor and Miscellaneous Administrative Charges on Page 33-6 of Recommended Budget
	Decrease Cost: Reduce Director's Office Operating Expenses Budget, Primarily by Limiting Outside Training and Related Travel	(30,000)		
	Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	18,652	-	
	FY10 CE Recommended	849,600	4.00	
BUSINESS OPERATIONS AND PERFORMANCE				
	FY09 Approved	2,196,491	14.50	
	Decrease Cost: Retirement Incentive Program (RIP) Savings	(37,045)		50% of \$74,090 for Retirement Incentive Program (RIP) Savings on page 33-6 of Recommended Budget
	Decrease Cost: Reduce Administrative Services Team's Contractor Budget	(10,000)		Program's Allocation of \$109,290 for Reduce Contractor and Miscellaneous Administrative Charges on Page 33-6 of Recommended Budget
	Decrease Cost: Reduce Classification & Compensation Team's Consultant Services Budget	(10,000)		Program's Allocation of \$109,290 for Reduce Contractor and Miscellaneous Administrative Charges on Page 33-6 of Recommended Budget
	Decrease Cost: Reduce Administrative Services Team's Contractor and Temporary Office Clerical Budget	(18,220)		Moved from Change Mgmt
	Decrease Cost: Reduce Classification & Compensation Team's Consultant Services Budget	(10,000)		Moved from Change Mgmt
	Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	(87,206)	1.00	
	FY10 CE Recommended	2,024,020	15.50	
CHANGE MANAGEMENT, TRAINING, AND ORGANIZATIONAL DEVELOPMENT				
	FY09 Approved	1,831,729	6.80	
	Increase Cost: Labor Contract - Other (Tuition Assistance)	54,990	-	
	Decrease Cost: Reduce Change Management, Training, & Organizational Development Team's Employee Awards-Non Payroll, and Professional/Licensure Training Budgets.	(22,000)		Program's Allocation of \$109,290 for Reduce Contractor and Miscellaneous Administrative Charges on Page 33-6 of Recommended Budget
	Decrease Cost: Hold Backfill for M2 Position Assigned to CIP Technology Modernization Project for 6 months	(75,529)	(0.50)	Program's Allocation's of \$182,140 for Hold Backfills for 3 Positions Assigned to CIP Technology Modernization Project for 6 months on Page 33-6 of Recommended Budget
	Decrease Cost: Reduce Change Management, Training, & Organizational Development Team's Management/Leadership, and Professional/Licensure Training Budgets.	(15,000)	-	
	Decrease Cost: Underfill Position of Retiring Human Resources Specialist III with a Public Administrative Intern	(47,400)	-	
	Decrease Cost: Realize Lapse Savings From a Part-time Backfill to a Full-time Human Resources Specialist III	(58,770)	(0.50)	

9

OHR FY10 BUDGET CROSSWALK BY PROGRAMS

Recommended Changes	Expenditures	Wys	Comments
Lapse Adjustment	(66,790)	(0.60)	
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	97,680	0.90	
FY10 CE Recommended	1,698,910	6.10	
SELECTION AND RECRUITMENT			
FY09 Approved	1,577,067	9.40	
Decrease Cost: Retirement Incentive Program (RIP) Savings	(37,045)		50% of \$74,090 for Retirement Incentive Program (RIP) Savings on page 33-6 of Recommended Budget
Decrease Cost: Hold Backfill for M3 Position Assigned to CIP Technology Modernization Project for 6 months	(57,821)	(0.50)	Program's Allocation's of \$182,140 for Hold Backfills for 3 Positions Assigned to CIP Technology Modernization Project for 6 months on Page 33-6 of Recommended Budget
Decrease Cost: Abolish Vacant Human Resources Specialist III Position - Recruitment and Seleccion Team	(75,060)	(1.00)	
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	(23,831)	1.50	
FY10 CE Recommended	1,383,310	9.40	
LABOR AND EMPLOYEE RELATIONS			
FY09 Approved	1,049,336	5.80	
Increase Cost: Labor Agreement Term Negotiations	137,000		
Decrease Cost: Reduce Labor & Employee Relations Team's Professional Consultant Services Budget	(34,090)		Program's Allocation of \$109,290 for Reduce Contractor and Miscellaneous Administrative Charges on Page 33-6 of Recommended Budget
Decrease Cost: Reduce Labor & Employee Relations Team's Consultant Services and Training Budget	(25,000)		
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	(153,496)	-	
FY10 CE Recommended	973,750	5.80	
EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY MANAGEMENT			
FY09 Approved	476,540	4.00	
Decrease Cost: Reduce Equal Employment Opportunity & Diversity Management Team's Job Fairs/Career Days Budget	(500)		
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	(57,290)	(0.20)	
FY10 CE Recommended	418,750	3.80	

10

OHR FY10 BUDGET CROSSWALK BY PROGRAMS

	Recommended Changes	Expenditures	Wys	Comments
BENEFITS AND INFORMATION TECHNOLOGY				
	FY09 Approved	161,779,550	10.30	
	Increase Cost: Increase in Employee and Retiree Claims and Carrier Administration Charges	12,103,000		
	Increase Cost: Annualization of FY09 Lapsed Positions	9,040	0.10	
	Increase Cost: Service Increment	6,170	-	
	Increase Cost: Retirement Adjustment	2,910		
	Increase Cost: Group Insurance Adjustment	1,390		
	Increase Cost: Pinting and mail adjustment	1,260		
	Technical Adj: Technical Adjustment	-	-0.5	
	Decrease Cost: Hold Backfill for M3 Position Assigned to CIP Technology Mordenization Project for 6 months	(48,795)	-0.5	Program's Allocation's of \$182,140 for Hold Backfills for 3 Positions Assigned to CIP Technology Mordenization Project for 6 months on Page 33-6 of Recommended Budget
	Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	(145,965)	(0.40)	
	FY10 CE Recommended	173,708,560	9.0	
OCCUPATIONAL MEDICAL SERVICES				
	FY09 Approved	1,994,298	4.00	
	Shift: Police Stress Management Operating Expenditures (Shifted from Police)	7,000		
	Decrease Cost: Consolidate FROMS and OMS Professional Physician Contracts Into One Fixed-Price Contract, Effective January 1, 2010.	(179,700)		
	Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program.	77,502	-	
	FY10 CE Recommended	1,899,100	4.00	
	FY09 Total	171,799,160	58.80	
	FY10 Total	182,956,000	57.60	

(=)

- (1) is appointed, transferred, promoted, or demoted to a position associated with a special pay differential; and
 - (2) performs the duties associated with the differential.
- (c) **Multilingual pay differentials.**
- (1) **Eligibility for multilingual pay.** To be eligible to receive a multilingual pay differential, an employee must be fluent in English and:
 - (A) be certified by OHR as having basic or advanced multilingual skills;
 - (B) be assigned to a position designated for a multilingual pay differential or be an employee designated to fill a general department need for specific language skills; and
 - (C) actually provide or be available to provide multilingual services in the course of the employee's County government employment.
 - (2) **Role of department director**
 - (A) When recruiting to fill a vacant position by initial appointment or promotion, a department director may include a specific language skill as a qualification or a preferred qualification if the OHR and OMB Directors have approved the department director's request for a multilingual designation of the position or the occupational class or occupational series that includes the position.
 - (B) If a position is designated as requiring multilingual skills and the incumbent employee does not have the required multilingual skills, the department director must:
 - (i) exempt the position from the requirement until the incumbent employee leaves the position; or
 - (ii) transfer the employee to an equivalent position that does not require multilingual skills, with the same salary, benefits, and working conditions.
 - (C) A department director should review the approval of a multilingual pay differential if:
 - (i) a certified multilingual employee is promoted, demoted, or transferred to a different position; or
 - (ii) the performance evaluation of a certified multilingual employee indicates that the employee did not use, or seldom used, the multilingual skills during the rating period.

- (D) A department director should periodically review the multilingual pay differentials approved for employees within a department, division, or work unit after:
 - (i) a program change or reorganization that affects the need for multilingual skills;
 - (ii) a change in client characteristics that indicates that the identified language skill may no longer be needed; or
 - (iii) the performance evaluations of employees who are certified in a particular language indicate that the employees did not use, or seldom used, the multilingual skills during the rating period.

- (3) ***OHR certification of multilingual employees.***
 - (A) To have an employee's language skills certified, a department director must provide the following information on the language certification form submitted to OHR:
 - (i) the language skill needed;
 - (ii) the level of proficiency needed (basic or advanced); and
 - (iii) the name of the employee whose language skills need to be certified.

 - (B) After receiving a completed language certification form from a department, the OHR Director must:
 - (i) schedule the employee for a language test;
 - (ii) conduct the examination;
 - (iii) notify the employee and department of the examination results and the effective date of the certification if the employee passed the language examination; and
 - (iv) add the name of the newly-certified employee to the Countywide Interpreter List, unless the department director has requested that the employee's name not be included on the List and the OHR Director has approved the request.

 - (C) If the employee fails the examination, the employee may submit a request to be retested within 6 months of the date of the initial examination. If the employee has not passed the examination within 6 months of the initial examination, the department must submit a new language certification form for the employee to be tested again.

- (1) Under Section 33-3(c) of these Regulations, a department director may deduct up to 80 hours of compensatory time from an exempt employee's accumulated compensatory time for disciplinary reasons. An employee may file a grievance over the disciplinary action and the amount of the deduction under Section 34 of these Regulations.
 - (2) The FLSA prohibits a department director from taking accumulated compensatory time from a non-exempt employee for disciplinary reasons.
- (g) ***Use of compensatory time as FMLA leave.***
- (1) An employee must not use compensatory time as FMLA leave.
 - (2) A supervisor must not designate compensatory time as FMLA leave.
- (h) ***Use, carryover, and disposition of compensatory time by an MLS employee.***
- (1) An MLS employee may not earn compensatory time, but may keep, use, and carry over the compensatory time that the employee had accrued at the time the employee became an MLS member.
 - (2) The County must pay an MLS employee for up to 80 hours of compensatory time when the employee leaves County employment.
 - (3) An MLS employee is subject to the provisions of these Regulations on the use, carryover, and disposition of compensatory time by exempt employees.

10-9. Pay differentials. The CAO may authorize a pay differential if the County Council approves the differential.

- (a) ***Shift pay differentials.***
- (1) The CAO may establish shift pay differentials for evening work and determine the amount paid for the differential.
 - (2) A department director must pay a shift pay differential to an employee who begins the employee's assigned shift during a period covered by the differential.
 - (3) An employee is not eligible for shift pay differential for hours of leave or for short periods of additional work that do not constitute a shift.
 - (4) A department director must not pay a shift pay differential to an MLS employee.
- (b) ***Special pay differentials.*** A department director must pay a special pay differential to an employee who:

MCGEO MULTILINGUAL PAY TERMS

term of this Agreement. Any employee vacating or filling a position previously subject to the 5 percent differential, shall no longer be entitled to the same.

- (c) Employees receiving a shift differential under subparagraph (b) above shall automatically become eligible for shift differential under subparagraph (a) above if the differential in (a) is greater than the amount received by the employee under (b) above.

- (d) Ride-On Shift Differential

Ride-On drivers currently starting a.m. runs at or before 4:29 a.m. shall receive the differential for the entirety of their a.m. run. Any shifts beginning between 4:30 a.m. and 5:00 a.m. shall be paid the differential for the first 4 hours of their shift.

5.4

Multilingual Pay Differential

A pay differential for the use of multilingual skills is to be based upon the following criteria:

- (a) Basic Skills - Basic skills are defined as those skills primarily required for oral or sign language communication and comprehension such as those used in conversation with clients and **residents**. The department head must certify that certain jobs may require occasional use of basic multilingual skills.
- (b) Advanced Multilingual Skills - Advanced skills are defined as those skills required for written communication and comprehension in a second language, in addition to skills in oral communication and comprehension. The department head must certify that certain jobs may require occasional use of advanced multilingual skills.
- (c) Compensation - Compensation is determined by the employee's language skill level. Compensation is paid for all hours actually worked during the pay period. Employees certified at the basic skill level will receive \$0.85 per hour for all hours actually worked. Employees certified at the advanced skill level will receive \$1.00 per hour for all hours actually worked. Effective the first full pay period after July 1, 2003, employees certified at the basic skill level will receive \$1.00 per hour for all hours actually worked. Employees certified at the advanced skill level will receive **\$1.50** per hour for all hours actually worked.
 - (1) Certification - Prior to eligibility for any of the above compensation, affected employees will be required to successfully pass a certification examination administered by the Office of Human Resources. Testing will consist of a brief oral performance examination for those positions that may require basic multilingual skills. A written examination assessing comprehension/translation skills will also be administered for those positions that may require advanced skills. Both of these examinations will be designed to assess skills.
 - (2) Overtime - Employees will be paid overtime on the multilingual differential only for the use of skill during hours subject to overtime pay, i.e. in excess of the regular workweek.

- (3) Appeals - The designation of positions requiring multilingual skills and the levels of compensation are non-grievable and non-arbitrable.

5.5 Pay Equity

The Employer shall provide reports on a quarterly basis on the number and nature of reclassifications/reallocations to occupational classes under QES that affect members of the bargaining unit.

5.6 Withholding PrePaid Salary

Employees hired prior to November 22, 1985, have a notice on their paycheck stub reflecting the advance hours for which the employee received pay. The reason for the advance was because of a one-week offset between the time reporting period and the pay check period. The employees received this advance in the first payroll check that they received after they were hired.

In the event of termination, leave without pay (in excess of one work week), change in appointment status, or sick leave donor use, the amount of advance hours is settled with the payroll check following any of these actions and will reflect the repayment of hours advanced. The basis of the final repayment will be the final timesheet for hours worked and/or time paid less the advance hours at the rate of pay received on the November 22, 1985 paycheck. For employees hired after November 22, 1985, there is annually a two-week delay between the Time Reporting Period for reporting time worked or time paid and the time period for pay purposes. Advance hours are not applied to employees hired after November 22, 1985.

5.7 Stand By Pay

- (a) If an employee is required to remain ready during off-duty hours to perform unscheduled and unanticipated work, the County must pay stand-by compensation to the employee at the rate of 15 percent of the employee's regular hourly salary or \$4.00 per hour, whichever is greater.
- (b) The Employer must pay stand-by pay to an employee for the entire period that the employee is in stand-by status until:
- (1) the employee is contacted to perform unscheduled work and has reported to work;
 - (2) the employee's next regularly scheduled work period; or
 - (3) the employee is contacted and relieved from stand-by status.
- (c) An employee is eligible to receive stand-by compensation if the employee's supervisor has notified the employee to remain available to work during a specified period of time outside the employee's assigned work hours.
- (d) An employee who is in call-back, overtime, or regular pay status shall not be eligible for stand-by compensation.

will be afforded the opportunity for counseling and rehabilitation through a County program.

Section B. Alcohol-related disciplinary problems will not be exclusively dealt with in a punitive fashion.

Section C. Incidents of apparent alcohol and substance abuse by employees and/or the need for rehabilitation shall be administered pursuant to the procedure *Prevention of Substance Abuse/Employee Rehabilitation*, found at **Appendix A**, as amended July 1, 1992, of this Collective Bargaining Agreement.

Article 5 Tech Pay

Section A. Canine Officers.

1. Canine officers shall be compensated for the care and maintenance of the canine based upon their regular hourly police rate. Time allowed for care and maintenance shall be .5 hour per day. The officer shall be paid at the overtime rate for care and maintenance for hours in pay status in excess of forty (40) in the workweek. [See Side Letter.]
2. The officer shall not be compensated for care and maintenance of the canine on any day in which the canine is housed in a kennel for the entire day (12 midnight to 12 midnight).

Section B. FTO Pay.

1. Employees, other than MPOs, who are assigned Field Training Officer responsibilities, shall receive an FTO differential of \$3.50 per hour for each hour worked while training.
2. The Employer may continue the practice of nominating officers for annual leave awards for performing field training duties.

Section C. Multilingual Pay Differential.

1. *Skill Levels.* The Parties agree to establish a pay differential for officers whose job requires the occasional use of multilingual skills or signing. Affected officers will be afforded an opportunity to qualify for the multilingual pay differential.

Basic Skills. Basic skills are defined as those skills primarily required for signing or oral communication and comprehension such as those used in conversation with clients and citizens.

Advanced Multilingual Skills. Advanced skills are defined as those skills required for written communication and comprehension in a second language, in addition to skills in oral communication and comprehension.

Test Administrators: Employees who are selected by the County to administer basic skills and advanced multilingual skills performance examinations.

2. *Certification.* Prior to becoming eligible for the pay differential, the **employee** must successfully pass a language certification examination administered by the **Office of Human Resources. Employees will initiate requests for multilingual certification through the County's Office of Human Resources. The Employer will contact employees to schedule an examination, which, under normal circumstances, will be conducted within thirty (30) days after the employee requests certification.** Testing will consist of a performance examination for those unit members who claim basic multilingual skills. A written examination assessing comprehension/translation skills will also be administered for those employees claiming advanced skills. The designation of a skill level is non-grievable and non-arbitrable. In the event the employee fails the examination, the employee may request a second examination ("retest") with a different test administrator. The retest will be conducted promptly. If the employee fails the second examination, the employee may request a third examination within sixty (60) days after the second failure. The examination will be conducted promptly. In event the employee fails the third examination, the employee may not request any additional examinations for six (6) months. This program shall not be administered in an arbitrary, capricious, or discriminatory manner.

Upon certification by the Office of Human Resources, language translation/interpretation skills will be made a performance guideline on the officer's performance appraisal form.

3. *Compensation.* Compensation is determined by the officer's certified language skill level. Compensation is paid for all hours actually worked during the pay period. Officers certified at the basic skill level will receive one dollar per hour for all hours actually worked. Officers certified at the advanced skill level will receive two dollars per hour for all hours actually worked.
 Certified officers will indicate on their time sheets the multilingual skill code ML1 for Basic Skill certification, and ML2 for Advanced Skill certification.
4. *Overtime.* Certified officers will be paid overtime on the multilingual differential only for use of the skill during hours subject to overtime pay, i.e. in excess of the regular workday or workweek.
5. *Transfer.* It is recognized that once an employee is designated in a skill level, he/she may be transferred to an assignment where the skill is needed.

Article 6 Clothing Allowance

Section A. Effective July 1, 2007 the clothing allowance will be the following amounts for eligible employees:

Category	Annual Amount
Formal & Variety	\$1176
SAT	\$758
Casual	\$500
Partial	\$343

Effective July 1, 2008 the clothing allowance will be the following amounts for eligible employees:

Category	Annual Amount
Formal & Variety	\$1213
SAT	\$782
Casual	\$516
Partial	\$354

Effective July 1, 2009 the clothing allowance will be the following amounts for eligible employees:

Category	Annual Amount
Formal & Variety	\$1251
SAT	\$806
Casual	\$532
Partial	\$365

All Unit members who wear non-uniform clothing to be placed in a category under this section. Categories

IAFF MULTILINGUAL PAY TERMS

increase the Emergency Medical Technician pay differential to:

Assignment:

0-4 years EMT-P Svc	\$6,080
5-8 years EMT-P Svc	\$7,391
8+ years EMT-P Svc	\$8,701

The differentials listed below in subsections C & D will only apply to paramedics hired after July 1, 2005:

C. Paramedic (CRT, EMT-I, or current EMT-P) \$3,000

D. CRT, EMT-I, and EMT-P Hourly Differential while riding ALS unit:

0 – 4 years certification	\$2.00
5 – 8 years certification	\$2.50
8 + years certification	\$3.25

Only personnel MCFRS certified as a CRT, EMT-I, or EMT-P, and assigned to ride an ALS “transport” unit, are eligible to receive the hourly differential referred to in Section 17.2 subsection C.

Hourly differentials identified in section 17.2 subsection C will be applied to all regular hours worked for bargaining unit personnel assigned as the EMS Training Coordinator(s).

Effective the first full pay period starting on or after July 1, 2010, increasing the CRT, EMT-I, and EMT-P Hourly Differential while riding ALS unit to:

0-4 years certification	\$4.00
5-8 years certification	\$4.50
8 + years certification	\$5.25

Section 17.3 Multilingual and Sign Language Pay Differential

- A. Bargaining unit members who are occasionally required to use multilingual or sign language skills on the job may receive a pay differential in accordance with the criteria presented in this Section 17.3.
- B. The language skills for which a multilingual differential is paid will be determined by the Employer, based on the numbers of County residents who speak a language other than “spoken English.” Languages, other than English, that are spoken by substantial numbers of County residents will be determined eligible for pay differential eligibility. If a language is spoken by a substantial number of County residents, then there is a significant likelihood that bargaining unit members will have occasional

need to communicate in that language.

- C. A pay differential will be paid to all bargaining unit members who pass a proficiency examination in basic multilingual or signing skills in a language, other than "spoken English," that has been determined eligible for receipt of the pay differential. All bargaining unit members will be afforded an opportunity to qualify for the multilingual pay differential. This program shall not be administered in an arbitrary, capricious or discriminatory manner.
- D. Basic multilingual or signing skills are defined as those skills primarily required for signing or oral communication and comprehension, such as those used in conversation with citizens to whom fire and rescue services are provided.
- E. Proficiency examination: Prior to becoming eligible for the pay differential, the bargaining unit member must pass a language proficiency examination administered by the Montgomery County Office of Human Resources in a language that has been determined eligible for receipt of the pay differential. Testing will consist of an oral communication performance examination administered to those bargaining unit members who seek the multilingual pay differential. This examination will be designed to assess basic oral communication skills.
- F. Compensation: Compensation is paid for all hours actually worked during the pay period. Employees certified as possessing basic skills will receive one dollar per hour for all hours actually worked. If a language is removed from the list of eligible languages, a bargaining unit member receiving a multilingual certification pay differential for proficiency in that language, will immediately cease to receive the multilingual certification pay.

Certified employees will indicate on their time sheets the multilingual skill code ML 5 for Basic Skill certification.
- G. Transfer of employee receiving certification pay: It is recognized that the Employer has the authority to transfer any bargaining unit member who is receiving multilingual differential certification pay to another location or assignment where there is a need for basic multilingual skills, as such need is determined by the Employer.
- H. Performance evaluation: Whenever a bargaining unit member is receiving multilingual differential certification pay, the employee's use of basic language translation/interpretation skills will become an element of the employee's performance plan, and the employee's performance of basic language skills will be an element of the employee's performance evaluation.

- I. Grievances: Decisions regarding the selection of languages for eligibility for multilingual certification pay, the content of language proficiency examinations, and decisions regarding whether a bargaining unit member satisfies language proficiency requirements are non-grievable and non-arbitrable.

Section 17.4 Impact of Pay Differential on Other Compensation and Benefits

The assignment pay differentials listed above in section 17.1 and the special pay and hourly differentials listed above in section 17.2, shall be included in the employees' base pay for the purposes of computing overtime rates, any existing overtime cap and retirement. Amounts received as working out of class pay and multilingual and sign language pay differential in section 17.3 shall also be included in the employees' base pay for the purposes of computing overtime rates, any existing overtime cap and retirement. Employees eligible for Hazardous Materials Response Team certification pay in section 17.1 subsection A will be paid in a lump sum, once a year and such pay will not be factored into computing overtime and retirement.

Section 17.4 Impact of Special Pay Differential on Other Compensation and Benefits

The pay differentials listed above in section 17.2 given as assignment pay, amounts received as working out of class pay and multilingual and sign language pay differential in section 17.3 shall be added to the employees' base pay and shall be factored in when computing overtime rates, any existing overtime cap and retirement. Employees eligible for certification pay for one of the above differentials will be paid in a lump sum, once a year and such pay will not be factored into computing overtime and retirement.

Section 17.5 Eligibility

Employees shall be eligible for the differentials enumerated above based upon criteria in effect at the time of initiation of this agreement.

ARTICLE 18 - SNOW EMERGENCY/GENERAL EMERGENCY PAY

Section 18.1 Definition

"General emergency" for the purpose of this agreement is defined as any period determined by the County Executive, Chief Administrative Officer, or designee to be a period of emergency, such as inclement weather conditions. Under such conditions, County offices are closed and services are discontinued; only emergency services shall be provided.

Section 18.2 Compensation

Whenever a general emergency is declared for the County by the County Executive or designee, members of the bargaining unit who are required to work during the period of the emergency shall receive twice their regular hourly rate. In the event

22

Multilingual Levels by Department		
Department	Basic	Advanced
Board of Supervisors of Elections	1	2
Commission for Women		2
Corrections	56	11
Dept. of Emergency Mgt & Homeland Sec.		1
Environment Protection	2	5
Finance	2	3
Fire/Rescue Service	38	3
General Services	4	2
Health & Human Services	97	152
Housing and Community Affairs	7	4
Liquor Control	2	
Permitting Services	2	5
Police	58	59
Public Libraries	37	24
Recreation	6	4
Transportation	9	5
Consumer Protection	2	1
Human Resources		5
Human Rights		2
Legislative Oversight	1	
County Attorney	4	
County Executive	2	5
Sheriff	4	6
Regional Services Centers	7	
State's Attorney	1	
Total	342	301

Multilingual County-wide	
Level	# of Employees
Advanced	301
Basic	342
Total	643

Data Provided by OHR (April 9, 2009)

Multilingual Levels by Languages		
Language	Basic	Advanced
Akan		1
Amharic	5	3
Arabic	3	3
Bengali	1	
Cambodian		2
Cantonese	1	2
Chinese	20	15
Creole (Haitian)	1	1
Esu	1	
Ethiopian		1
Ewe	1	
Farsi	4	3
French	10	12
German	5	2
Greek	4	2
Hindi	7	1
Ibo	7	1
Italian		2
Japanese		1
Korean	4	10
Nepali	1	
Polish	1	1
Portuguese	4	3
Russian		5
Sign Language	9	
Spanish	227	215
Tagalog	5	1
Telugu		1
Thai	1	
Tigrinya	2	
TWI	1	
Urdu	4	
Vietnamese	2	11
Yoruba	11	2
Total	342	301

- (B) supervisory development classes;
 - (C) customer service classes;
 - (D) professional development classes;
 - (E) human resources management classes;
 - (F) performance management classes;
 - (G) labor relations classes;
 - (H) skill development classes (examples: writing and communication);
 - (I) core mandatory classes (examples: sexual harassment prevention, and employee performance and conduct);
 - (J) information technology classes (examples: desk-top computer software, internet and web software, and core business systems); and,
 - (K) self-directed study (examples: computer lab, and the audio and video loan library).
- (c) ***Employee tuition assistance.***
- (1) The OHR-administered tuition assistance fund is available to help pay the costs of education or training selected by:
 - (A) County employees; and
 - (B) employees of the State's Attorney's Office (but not the State's Attorney).
 - (2) The OHR Director must:
 - (A) administer the County's tuition assistance program and fund; and
 - (B) authorize payment of tuition assistance only for eligible employee educational expenses, up to the following for each request:
 - (i) 100 percent of the cost of the training; or
 - (ii) for a full-time employee, the maximum amount authorized per employee each fiscal year; or

- (iii) for a part-time employee, 50 percent of the maximum amount authorized for a full-time employee.
- (3) The total amount of funding available annually for tuition assistance is proposed by the County Executive and appropriated by the County Council.
- (4) The OHR Director must establish the amount of annual tuition assistance for an employee who is not a member of a bargaining unit. Funding for represented employees is determined through collective bargaining with the designated employee representatives.
- (5) Employee tuition assistance is available to employees with merit system status on a first-come, first-served basis until all funding for the fiscal year has been obligated. Once the tuition assistance funds are depleted for the fiscal year, tuition assistance is not available until the next year.
- (6) The OHR Director may approve the use of OHR-administered tuition assistance to pay for training or education directly related to:
 - (A) the employee's current County work or normal career progression; or
 - (B) a field of study that will prepare the employee to make a career change within the County.
- (7) The OHR Director may approve the use of OHR-administered tuition assistance funds for training or education offered by a public or private:
 - (A) vocational or business school;
 - (B) college or university;
 - (C) professional, scientific, or technical institute; or
 - (D) organization or component of an organization, including a government agency or business, that offers courses or training.
- (8) The following are acceptable educational objectives that an employee may pursue with tuition assistance funding, if the training or education meets the requirements of (6) and (7) above:
 - (A) education or training to obtain a certificate, associate degree, baccalaureate degree, or graduate degree; or

- (B) a credit course, non-credit course, or seminar.
- (9) Only the cost of tuition and other direct or compulsory costs of the course such as matriculation, registration, laboratory, and library services are covered by tuition assistance.
- (10) The following do not qualify for tuition assistance:
- (A) credit courses taken on an audit (i.e., no grade) basis;
 - (B) books, supplies, and application fees, or extra fees such as late registration or library book returns, parking, travel, food, lodging, and other costs incidental to the credit courses;
 - (C) if the tuition assistance benefit would duplicate benefits received for the same educational activity under other programs such as scholarships, veterans benefits, and the Maryland State Fire Association;
 - (D) courses in which credit is obtained solely by taking an examination; and
 - (E) examination fees.
- (11) An employee receiving tuition assistance must participate in the educational activity:
- (A) during the employee's off-duty hours;
 - (B) on a flexible work schedule; or
 - (C) on approved leave, other than administrative leave or PIL.
- (12) If an employee does not complete the course work successfully, the employee must reimburse the County in full for all tuition assistance paid by the County for that activity.
- (13) An employee who receives tuition assistance must agree to remain a County employee for at least one year after completing the course. If the employee does not remain employed by the County for the entire one-year period, the employee must repay a prorated amount of the tuition assistance. The tuition assistance does not have to be repaid if the employee dies or retires on a County disability retirement. The OHR Director may waive repayment of tuition assistance in other extenuating circumstances.

- (14) The OHR Director may approve tuition assistance for a probationary employee. The OHR Director must not give tuition assistance to the employee until the employee:
 - (A) pays the tuition and compulsory fees;
 - (B) attains merit system status; and
 - (C) provides evidence of successful course completion.

14-2. Department employee development.

(a) *Policy and objectives of department employee development.*

- (1) A department director may approve employee developmental activities only when the primary purpose of the training is to provide professional development related to the employee's current position or normal career progression within the department.
- (2) A department director may approve the use of department funds to pay for an employee's college tuition only when the department director determines that the employee's additional education will benefit the effective and efficient operation of the department. An employee may obtain funds from the County's employee tuition assistance program under Section 14-1(c) for courses that will primarily benefit the employee.
- (3) A department has a critical role in identifying and facilitating the specific developmental training needs of its employees that cannot be fully addressed by the employee development programs administered by OHR. Needs that cannot be fully addressed by OHR-administered programs include training necessary for:
 - (A) occupations unique to the department;
 - (B) state licensing requirements; and
 - (C) department specific initiatives.
- (4) A department's familiarity with its employees enables it to determine the specific types of training that employees need to accomplish their essential job functions.

21.10 Tuition Assistance

The County will increase the maximum annual allowance payable under the Employee Tuition Assistance Program to **\$1530** for **FY 2008**, to **\$1630** for **FY 2009**, and **\$1730** for **FY 2010**. The employee must remain employed for at least 2 years after completion of any course funded in whole or part by the County, or pay back the County a pro-rated portion of the funds received.

- (a) The Employer may approve tuition assistance for unit member development related to the unit member's current job functions or those of another County position.
- (b) The Employer may approve tuition assistance for tuition and compulsory fees such as matriculation, registration, laboratory, and library fees.
- (c) The Employer will not approve tuition assistance for books, supplies, or extra fees such as late registration and parking.
- (d) Tuition assistance is available on a first-come first-served basis until all authorized funding has been obligated.
- (e) Employees receiving tuition assistance must attend the activities for which they are receiving tuition assistance during their off duty hours.
- (f) An employee who received tuition assistance must complete the training with a passing grade, or the employee must reimburse the County for the amount of the County's tuition assistance.

21.11 Long-term Care

Implement a new long term care program no sooner than 1/1/2002, 100 percent employee-paid through an interagency RFP.

21.12 Dental Care

Class I, II, and III annual maximums shall be increased to \$2,000.

21.13 Vision Care

A new discount card program through a national network will be offered to those who retire after 1/1/2002.

21.14

- (a) If the County adopts a drug re-importation program (the adoption of which is subject to Council approval), bargaining unit employees are eligible to participate in the program.
- (b) The parties agree to jointly establish an interagency labor/management study committee that will review the feasibility of creating an interagency, multi-employer Health Benefits Board of Trustees to assume the administration of the participating agencies' health insurance funds/programs. The joint study committee will also consider all reasonable issues regarding the subject of health benefits cost containment. Membership on the joint study committee will be

duty restrictions, if any, and their anticipated duration.

Article 38 Severability

If any term or provision of this Agreement is, at any time during the life of this Agreement, determined by a court of competent jurisdiction to be in conflict with any applicable law, constitution, statute, or ordinance, such term or provision shall continue in effect only to the extent permitted by law. If any term or provision is so held to be invalid or unenforceable (or if the parties agree that it is), such invalidity or unenforceability shall not affect or impair any other term or provision of this Agreement.

Article 39 Tuition Assistance

Section A. All members of the bargaining unit shall be entitled to receive tuition assistance at the level provided by the Montgomery County Tuition Assistance Program in effect when they apply. The County represents that it will maintain the program during the life of this Agreement.

1. The Employer must approve tuition assistance for unit member development related to the unit member's current job functions or those of another County position.
2. The Employer must approve tuition assistance for tuition and compulsory fees such as matriculation, registration, laboratory, and library fees.
3. The Employer must not approve tuition assistance for books, supplies, or extra fees such as late registration and parking.
4. A unit member receiving tuition assistance must attend the activities for which they are receiving tuition assistance during the unit member's off duty hours.
5. A unit member who received tuition assistance must complete the training with a passing grade, or the employee must reimburse the County for the amount of the County's tuition assistance.

Section B. Amount and Qualification. The level of tuition assistance for bargaining unit employees will be as follows: \$1,530 effective July 1, 2007, \$1,630 effective July 1, 2008, and \$1,730 effective July 1, 2009.

Section C. The employee must remain employed for at least two years after the completion of any course(s) funded in whole or in part by the county, or pay back to the county a pro-rated portion of the funds received.

Article 40 Dependent Care

Employees in the bargaining unit shall be eligible to participate in a salary reduction dependent care assistance plan as provided for in §33-19, *Day Care As an Alternative Fringe Benefit*, of the Montgomery County Code, 1984, as amended.

Article 41 Shift Differential

Section A. Amount. Officers shall receive one dollar and twenty-four cents (\$1.24) for each hour worked on a work shift that begins on or after 12:00 noon and prior to 7:59 p.m., and one dollar and sixty-five cents (\$1.65) for each hour worked on a shift that begins on or after 8:00 p.m. and before 5:59 a.m. The hourly pay differential shall increase to one dollar and twenty-eight cents (\$1.28) and one dollar and seventy cents (\$1.70) respectively, effective the first full pay period following July 1, 2008. The hourly pay differential shall increase to one dollar and thirty-three cents (\$1.33) and one dollar and seventy-five cents (\$1.75) respectively, effective the first full pay period following July 1, 2009.

disability retirement benefits under the Montgomery County Employees' Retirement System.

ARTICLE 52 – PARAMEDIC CERTIFICATION AGREEMENT

Employees in the bargaining unit who voluntarily transfer or who are promoted to a paramedic position will be required to sign a paramedic certification agreement consistent with Appendix IV-A. In addition, employees who as a condition of hire were required to sign a paramedic certification agreement will remain subject to the provisions of said agreement as specified in Appendix IV-B or IV-C while in the bargaining unit. The provisions of the paramedic certification agreement for bargaining unit employees are grievable and arbitrable pursuant to the procedures contained in Article 38 of this Agreement.

ARTICLE 53 - RESIGNATION

Section 53.1 Definition

Resignation: An employee's voluntary act to leave County employment.

Section 53.2 Notice of Resignation

An employee should submit a written resignation 2 weeks before the effective date of the resignation. In unusual circumstances, an employee may submit an oral resignation.

Section 53.3 Withdrawal of Resignation

- A. An employee may withdraw a resignation within 5 calendar days from the date the employee submitted the resignation.
- B. The department head may approve or deny a written request to withdraw a resignation that is submitted more than 5 calendar days from the date the employee submitted the resignation.

Section 53.4 Appeal of Resignation

A bargaining unit employee may appeal a resignation that the employee believes was involuntary or coerced by filing a grievance under Article 38 of the Agreement.

ARTICLE 54 – TUITION ASSISTANCE

Section 54.1

The Employer-administered tuition assistance fund is available to bargaining unit employees to help pay the costs of education or training.

Section 54.2

Employee tuition assistance is available to bargaining unit employees on a first-come, first-served basis. Once the tuition assistance funds are depleted for the fiscal year, tuition assistance is not available until the next year.

Section 54.3

The Employer may approve the use of Employer-administered tuition assistance to pay for training or education directly related to:

- A. the employee's current County work or normal career progression; or
- B. a field of study that will prepare the employee to make a career change within the County government.

Section 54.4

Employees may, with the Employer's approval, use the Employer-administered tuition assistance funds for training or education offered by a public or private:

- A. vocational or business school;
- B. college or university;
- C. professional, scientific, or technical institute; or
- D. organization or component of an organization, including a government agency or business, that offers courses or training.

Section 54.5

The following are acceptable educational objectives that an employee may pursue with tuition assistance funding, if the training or education meets the requirements of (3) and (4) above:

- A. education or training to obtain a certificate, associate degree, baccalaureate degree, or graduate degree; or
- B. a credit course, non-credit course or seminar.

Section 54.6

Only the cost of tuition and other direct or compulsory costs of the course such as matriculation, registration, laboratory, and library services are covered by tuition assistance.

Section 54.7

The following do not qualify for tuition assistance:

- A. credit courses taken on an audit (i.e., no grade) basis;
- B. books, supplies, and application fees, or extra fees such as late registration or library book returns, parking, travel, food, lodging, and other costs incidental to the credit courses;
- C. if the tuition assistance benefit would duplicate benefits received for the same educational activity under other programs such as scholarships, veterans' benefits, and educational benefits provided under the Maryland State Fireman's Association.

Section 54.8

An employee receiving tuition assistance must participate in the educational activity:

- A. during the employee's off-duty hours;
- B. on approved leave, other than administrative leave or Professional Improvement Leave.

Section 54.9

If an employee does not complete the course work successfully, the employee must reimburse the County in full for all tuition assistance paid by the County for that activity.

Section 54.10

An employee who received tuition assistance must agree to remain a County employee for at least one year after completing the course. If the employee does not remain employed by the County for the entire one-year period, the employee must repay a prorated amount of the tuition assistance. The tuition assistance does not have to be repaid if the employee dies or retires on a County disability retirement. The Employer may waive repayment of tuition assistance in other extenuating circumstances.

Section 54.11

The County will increase the maximum annual allowance payable to a bargaining unit employee under the Employee Assistance Program to **\$1,630 for FY 2009, \$1,730 for FY 2010, and \$1,830 for FY 2011.**