

HHS COMMITTEE #1
July 19, 2010
Discussion

MEMORANDUM

July 15, 2010

TO: Health and Human Services Committee

FROM: Vivian Yao, Legislative Analyst 

SUBJECT: **Delivery of Conservation Corps Program By Service Contract**

The Health and Human Services (HHS) Committee will discuss the Department's plan to contract with a nonprofit to deliver Conservation Corps services and the efforts of the Department to comply with Article XVI of the County's procurement law prior to issuing a solicitation for services, as described in the July 2 memorandum from the Chief Administrative Officer to the Council President (©1-5). Director Uma Ahluwalia, Department of Health and Human Services (DHHS), will represent the Department in the discussion.

BACKGROUND

For FY11, the Council approved \$400,000 for the Conservation Corps program, a decrease of \$456,730 from the FY10 approved budget. The FY11 budget provides funding to allow the last cohort under the current structure to complete the program (\$150,000), which is scheduled to conclude in October, and to support services to be delivered pursuant to a service contract for the second half of FY11 (\$250,000). The anticipated budget for the program in FY12 would be \$500,000.

The Executive recommended changing the delivery model of the Conservation Corps program by transitioning the program to a non-profit organization in FY11. The Committee reviewed the following reasons for changing the service model during FY11 budget discussions:

- A nonprofit would have a better chance of attracting other funding to support services. More private models of Conservation Corps programs exist around the country than public models. Some of these private models have leveraged robust private support.
- The Corps Network, the national advocate and representative of the nation's Service and Conservation Corps, recommended that the County's program restructure its program within the County to expand and serve more of its target population and diversify and expand funding sources. See also ©6-11.

- The Conservation Corps program does not fit neatly within the mission of any single County agency, and the program has been vulnerable to budget reductions and relocation to different County agencies on multiple occasions. Having a nonprofit operate and advocate for the program may allow greater continuity and growth for the program.
- A nonprofit would deliver services at a lower cost than a public program.
- The Friends of the Montgomery County Conservation Corps submitted testimony (©12) supportive of the proposed public-private partnership if key elements of the program continued.

Executive staff also explained that the program produces good outcomes; works with an at-risk population; has a significant waiting list for services; but has a high cost per young person served.

The Council conditioned the appropriation of funding for the Conservation Corps program on the completion by the Department of a cost comparison analysis which evaluates the effectiveness of contracting with a nonprofit organization to deliver Conservation Corps services.

SOLICITATION OF SERVICES AND COST COMPARISON ANALYSIS

On July 1, the Chief Administrative Officer transmitted a memorandum (©1-5) to the Council President describing the Department's efforts to comply with Article XVI Section 11B, reproduced at ©13-17, which governs the Department Director's ability to solicit a service contract that exceeds an estimated annualized cost of \$75,000 and adversely affects a public employee. The memorandum describes the following:

- Steps taken to consider alternatives to the service contract including reorganization, reevaluation of services, and reevaluation of performance;
- Efforts to consult with the certified representative of public employees who will be adversely affected if the County enters into the service contract;
- A cost comparison analysis that the County will save, over the term of the contract, at least 25 percent of the value of the contract; and
- A plan of assistance for each public employee adversely affected by the service contract.

Council staff makes the following observations related to the Department's cost comparison analysis:

- The memorandum reports that the County is anticipated to realize savings of \$290,979, which exceeds 25% of the value of the contract.
- The anticipated difference in staff personnel¹ (\$445,937 vs. \$357,040) and operating cost (\$116,040 vs. \$81,000) categories resulting from contracting out services is

¹ Staff personnel costs do not include compensation for Corps members. The nonprofit provider personnel costs are based on compilation of information provided by Corps programs across the country and their funders. The Department expressed the belief that the costs are consistent with nonprofit salaries for youth workers in this region.

approximately 25% of the value of the contract or \$124,000. Council staff notes that while the County intends to make available equipment and vehicles necessary to run the program, these costs do not appear to be quantified in the cost comparison analysis. Adding these costs into the analysis would reduce the percentage that the anticipated savings exceeds the value of the contract.

- Another \$124,000 in savings is related to a reduction in service to corps member compensation, in part attributable to fewer salaried hours for corps members resulting from fewer service project hours and uncompensated GED sessions. Additional savings may result from a fewer number of members served. Although the County currently fills vacancies created by cohort members who drop out in the early part of the six-month service period, it appears that these vacancies will not be filled by the nonprofit provider.
- The Department will require the nonprofit to raise a minimum of \$70,000 from program operations, presumably from service projects performed by corps members, to support program costs.
- The services to be provided by the nonprofit incorporate the key elements advocated by the Friends group: 1) serving out of school, unemployed youth; (2) providing educational opportunities, including GED and AmeriCorps education scholarships; (3) providing job training, preparation, and placement; (4) engaging in conservation activities; and (5) promoting youth development and personal and life skills.

Executive Branch representatives assert that the requirements relating to consultation and bargaining with the certified representative of public employees affected by the service contract have been met.

DISCUSSION ISSUES

- In order to maximize the number of young people served by the program and the efficient use of staff, will the Department require the nonprofit to engage in the same practice of filling vacancies that occur early in a cohort? If the vacancies are not filled, will they affect the dynamics of the cohort and the quality of the experience for remaining cohort members?
- Is there any expectation or incentive for the nonprofit to attract additional resources, serve more youth, and expand the program beyond what the contract requires?
- The County program generated revenue from public and private sources for work performed by Conservation Corps members, and the nonprofit will be required to raise a minimum of \$70,000 from program operations. Past sources of revenue have come from County agencies, and the program's placement within County Government made it possible for the program to deliver services to public agencies for fees without going through cumbersome procurement processes. **If the program moves to a nonprofit, the Committee should recommend that a mechanism that allows payment to the nonprofit for services provided to a County agency be developed.**



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OFFICE OF THE COUNTY EXECUTIVE

MEMORANDUM

Isiah Leggett
County Executive

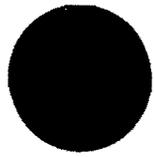
Timothy L. Firestine
Chief Administrative Officer

July 1, 2010

TO: Nancy M. Floreen, President
Montgomery County Council

FROM: Timothy L. Firestine, Chief Administrative Officer

SUBJECT: Article XVI Section 11B Compliance Review
Department of Health & Human Services Conservation Corps



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MONTGOMERY COUNTY
COUNCIL

As provided in Section 11B-74 of the Montgomery County Code, the Chief Administrative Officer may certify a Department Director's ability to solicit a service contract, under this Article, if the Department has completed the following action.

- (1) **Taken steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance.**

Prior to the recommendation that the program be administered through a service contract, the Department of Health and Human Services (HHS) explored multiple alternatives for the Conservation Corps structure and management. In this regard, HHS proposed reducing the size and scope of the program, as well as allowing the program to retain the revenue it generated in order to diminish the dependency on County general funds.

In addition, meetings and discussions were held with other departments, including the Department of General Services, the Department of Transportation and the Department of Environmental Protection, to determine if they had the capacity to assume the program and to integrate it with their current activities. Regrettably, due to the unfavorable fiscal situation that the County is now facing, none of the potential actions were deemed to be viable.

- (2) **Consulted with the certified representative of public employees who will be adversely affected if the County enters into the service contract.**

MCGEO representatives were invited to participate in a meeting, March 15, 2010, with the Conservation Corps staff to discuss the proposed

1

program changes. The union representative arrived after the meeting had concluded and subsequently spoke alone to the staff.

(3) Demonstrated, based on a cost comparison analysis, that the County will save, over the term of the contract, at least 25 percent of the value of the contract.

Following are the cost analysis factors:

- a. Direct costs, including fringe benefits, and an assumption that the contractor will meet the wage requirements of 11B-33A for the employees who perform work under the contract.
- b. Indirect overhead costs, including a proportional share of administrative salaries and benefits, rent, equipment costs, utilities, and materials.
- c. Any continuing or transitional costs directly related to contracting for the service, including unemployment compensation and the cost of transitional services.

The services that are to be provided through the service contract will be analogous to the services currently provided by County staff, including the following:

1. The core purpose of the program is to enhance the employability of 32 to 40 unemployed, out-of-school, 17-24 year old Montgomery County youth.
2. The program participants will be provided opportunities for personal growth, education and skills based training.
3. The provider will be called upon to complete projects of real and lasting value with the objective of preserving, protecting and enhancing the natural, cultural, community and historic resources of Montgomery County.
4. The work will be supervised by two Crew Leaders and an assistant Crew Leader who have experience in carpentry, conservation, and landscaping. Each Crew Leader will oversee the activities of a group of 8 to 10 youth for a period of six months and will provide the youth training in equipment operation, maintenance, safety procedures, carpentry, conservation and landscaping.

The service provider will offer assistance to all Corps members through a counselor (Human Services Associate or equivalent) who will be responsible for working with the youth to develop an "Individual Development Plan" (IDP). The IDP will focus on the development of self discipline, responsibility, accountability and communication. The counselor will assist Corps members in dealing with conflict in the work place and in developing plans for the future. In addition, the Corps members will also be provided assistance with academic development to include GED preparation, basic education and

assessment. Finally, the Corps members will be provided assistance and support in applying for scholarship money for post secondary education or other training through the Americorps program or other available sources.

The service provider will be required to seek out jobs that will generate revenue for the program and that have value to the community. The management and oversight of the jobs and the relationships with partners will be the responsibility of the Program Director. The administrative responsibilities, including correspondence, billing, reporting, and office management will be provided by an Office Services Coordinator (or equivalent). There are significant reporting responsibilities associated with the Americorps program and it is expected that these responsibilities will be assigned to this position.

It is proposed that the contracted service provider carry out the work described above with the positions identified. The chart below documents the FY10 salaries of the County staff that performed these services and the estimated cost for an outside provider to perform the work. The cost estimates were provided by The Corps Network, which was established in 1985. The Corps Network represents 143 Service and Conservation Corps throughout the nation. There are currently Corps operating in 44 states and the District of Columbia and they serve more than 29,000 youth every year. The data is based on a compilation of information provided by the various Corps across the country and their funders.

Following is a comparison of the personnel costs of a County staffed program and a program managed by the Corps Network.

| Position | Cost of County Staffed Program * | Cost of Program Managed by the Corps Network |
|-----------------------------|----------------------------------|--|
| Program Director | \$110,181 | \$85,400 |
| Human Services Associate | \$90,787 | \$61,000 |
| Crew Leader (2) | \$170,922 | \$109,800 |
| Assistant Crew Leader | \$24,972 | \$19,240 |
| Office Services Coordinator | \$49,075 | \$36,600 |
| Budget/Fiscal .3 WY | 0 | \$20,000 |
| Indirect | 0 | \$25,000 |
| TOTAL COST | \$445,937 | \$357,040 |

* Includes fringe benefits

Annual Operating Costs for Non-Profit Provider:

| | |
|---|-----------------|
| Field safety supplies @ \$2,000 a crew: | \$8,000 |
| Gas and insurance | \$31,000 |
| Vehicle Maintenance | \$5,000 |
| Uniform and Cleaning | \$10,000 |
| Corps Network Dues | \$2,000 |
| GED Instruction | <u>\$25,000</u> |
| Total Operating Cost | \$81,000 |

Total Annual Non-Profit Provider Costs:

| | |
|----------------------------|------------------|
| Personnel | \$357,040 |
| Operations | \$81,000 |
| Corps Members Compensation | <u>\$127,711</u> |
| Total Cost | \$565,751 |

The FY10 costs of the county operated Conservation Corps program were:

| | |
|-----------------------------------|------------------|
| Operating Costs | \$116,040 |
| Personnel Costs for Corps Members | \$251,422 |
| Staff Personnel Costs | <u>\$489,268</u> |
| Total Cost | \$856,730 |

Based on the information above, the County will realize a saving of \$290,979, which exceeds 25% of the contract value. In order to ensure that the total program costs are covered in full, the non-profit will be required to raise a minimum of \$70,000 from program operations. With regard to overhead costs, the County intends to make available the equipment and vehicles necessary to run the program and has committed to maintaining these items. Furthermore, it is the hope of the County that all current program staff will be placed and that no transitional unemployment costs will be incurred.

- 4. The using department must develop a plan of assistance for each public employee who will be adversely affected by the service contract, to include:**
- Efforts to place each adversely affected public employee in a vacant County position.
 - Inclusion in the service contract, if feasible, a requirement that the contractor must notify the County of any vacant position for which displaced County employees may apply and consider hiring displaced public employees.
 - Written notice of the anticipated adverse effect to each adversely affected public employee and the certified bargaining representative 120 days before the anticipated adverse effect will occur.

The Department commenced working with the affected employees on the date the County Executive's budget was released, March 15, 2010. In this regard, management met with the program staff (MCGEO representatives were invited to the meeting) to inform them of the proposed action and of the assistance available to them through the Office of Human Resources. While their positions are not scheduled to be abolished until November 2010, allowances were made for the subject employees to receive "RIF" rights prior to that date, in order to allow them to immediately apply for available positions and thereby further their opportunity for potential placement in another County position.

It is the intention of the Department to include in the "Request for Proposals" a requirement that the contractor notify the County of vacant positions for which displaced County employees may apply and to correspondingly require that appropriate consideration be given to hiring displaced public employees.

cc: George L. Leventhal, Chair, Health and Human Services Committee
Gino Renne, President, MCGEO UFCW Local 1994
Uma S. Ahluwalia, Director, Department of Health and Human Services
David E. Dise, Director, Department of General Services
Joseph Adler, Director, Office of Human Resources

The Corps Network ECO Report
Montgomery County Conservation Corps
December 18, 2008
Overall Comments

Over the past 24 years, the Montgomery County Conservation Corps (MCCC) has established itself as a strong organization offering service opportunities and essential support to its Corps members. Through its leadership and staff, MCCC has developed an effective program model and key partnerships with other county departments. As a result, MCCC continues to complete service projects which transform the landscape of Montgomery County. Given the proposed inter-county service project opportunities, and the current high school dropout rate within Montgomery County, the opportunity exists for MCCC to become even more responsive to the needs of its community. To achieve this, it is necessary for MCCC to reconsider its current structure within the County government and other key changes necessary to serve more Corps members and have a greater impact within Montgomery County.

Report Format

This report is divided into two parts. Part A focuses on effective practices while Part B covers recommendations and suggestions. Each part of the report covers all six ECO sections. Only Part A of this report will be a public document; **Part B is strictly for the use of Montgomery County Conservation Corps.**

Part A: Effective Practices

1. Purpose and Activities

Evidence of Effective Practices:

- Montgomery County Conservation Corps has updated its mission to ensure it accurately reflects its current program components.
- The mission is visible around the corps and is posted in each staff office.

2. Organization and Management

Evidence of Effective Practices:

- MCCC has been an established program within Montgomery County for 24 years and has strong staff tenure.

- The staff is fully committed to the mission of MCCC; and effectively utilized their diverse skill sets.
- MCCC held a staff planning retreat during 2008.
- A comprehensive 5-year plan has been developed and updated to reflect what can be realistically accomplished by the Corps.
- MCCC has strong relationships with other county departments and works regularly with Public Works, Parks, and other Health and Human Services agencies.
- MCCC staff served as co-presenters in a workshop session on Corps member retention at the 2008 Annual Corps Forum.
- The corps has developed a recruitment strategy which includes use of a video, brochure distribution, and a recruitment trailer – all appropriate for their target audience.
- MCCC vans are clearly marked with the organization name and logo.
- MCCC has purchased bus advertisements as a strategy to increase its communication with alumni.
- Corps members are issued complete uniforms while serving in MCCC.

3. Program Design

Evidence of Effective Practices:

- The '*Passport to Success*' offers an excellent approach for staff to assist Corps members tracking their accomplishments.
- MCCC offers an open forum for all Corps members to voice their opinion during the daily formation.
- Opportunities for team development are offered during the Corps member orientation which includes a group ropes course. MCCC also acknowledges a 'Corps member of the Month' and displays this accomplishment on the Wall of Fame within its facility.
- Corps members are given exposure to various job skills on a rotating basis.

- MCCC actively recruits a diverse group of staff and Corps members.
- 167 hour NCCER pre-apprenticeship Training is available to all corps members.
- The corps offers financial incentives for member accomplishments.

4. Corps member Development

Evidence of Effective Practices:

- Corps members are able to work with all staff through the crew leader program.
- The Counselor reviews individual plans, Passport to Success accomplishments and key goals with Corps members on a monthly basis.
- The Corps members are able to participate in a 30 day paid orientation.
- GED instructor and curriculum are solid.
- Corps members are given the opportunity to access educational assistance for GED completion even after their term of service ends.

5. Work Experience and Service Projects

Evidence of Effective Practices:

- Projects are valuable and diverse and Corps members receive valuable supervision.
- All Corps members are trained in CPR and First Aid.
- MCCC implements projects that are both innovative (Water Barrels Project) and sustainable (tree planting and screened-porch building).

6. Evidence of Success (studies, data collection etc.)

Evidence of Effective Practices:

- N/A

Part B: Recommendations and Suggestions

1. Purpose and Activities

Recommendation: N/A

Suggestions:

- The mission needs to be consistently posted in all publications.

2. Organization and Management

Recommendations:

*The Montgomery County Conservation Corps should consider developing a focused inter-county strategic plan on restructuring its program **within the county** to expand and serve more of its target population – the 15,000 high school dropouts within Montgomery County.*

The MCCC Friend's Board should have an internal review and should consider restructuring. More clearly defined roles for the board members will benefit the Corps.

Structured monthly staff meetings should be instituted with staff and HHS to discuss the strategic plans for MCCC.

MCCC would also benefit from increasing relationships with other local organizations and nonprofits, especially other local Corps.

It is necessary to diversify and expand MCCC's funding sources. It is also important to develop an inter-county action plan for obtaining service projects.

MCCC lacks a Government Relations component which is greatly needed.

Suggestions:

- Identify key Corps to correspond with about best practices. Additionally, establish training goals that are documented regularly. Performance measures should be tied to these staff development goals.
- It is important for MCCC to reach out to other local corps (CivicWorks, Earth Conservation Corps, Maryland Conservation Corps, and West Virginia), the local Chamber of Commerce, and other service organizations.

- Establish a stronger relationship with the Montgomery County Forest Department.

3. Program Design

Recommendation:

As part of the expansion discussed, MCCC should consider a longer term of service for Corps members. This will help increase the percent of Corps members who successfully earn their GED. Additionally, it is important to clarify with Corps members the certifications offered during the first 6 months of their term. This information should also be updated consistently in all publications (website, brochure, etc.)

Suggestions

- A Personal Development plan should be established for each Corps member during the orientation, helping them make an informed decision about service within MCCC.
- The Friend's Board should be more diverse to reflect the diversity of the staff and Corps members of MCCC.
- There should be an opportunity for project sponsors to become more engaged in the Corps member career development component.

4. Corps member Development

Recommendation: N/A

Suggestions:

- Increase the availability of GED tutors.
- Establish more consistent opportunities for both written and verbal Corps member reflection.

5. Work Experience and Service Projects

Recommendation: A project specific safety guide needs to be created and enforced.

Suggestions

- Organize a safety tailgate before any project begins to discuss what safety precautions need to be taken.

6. Evidence of Success (studies, data collection etc.)

Recommendation: MCCC needs to strengthen the process for collecting and utilizing data.

Suggestions

- Train all staff on how to collect and compile data.
- Add the collected data on the Passport to Success



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35

County Council Hearing Testimony

April 8, 2010

My name is Jerry Rupert and I am president of the Friends Board of the Montgomery County Conservation Corps. We are a non-profit group of volunteers, who support the Corp's efforts to make these young people more employable while completing projects of lasting value to the community. Many of you joined with us over the years and especially in November as we celebrated The Corps' milestone 25th anniversary.

Needless to say, we are disappointed to learn of the County Executive's proposed budget cuts for the Corps. However, when we met with County officials to better understand the proposed budget, we learned it does not eliminate services to our young people, but rather changes the delivery model.

We are committed to working with the County Executive and County Council to ensure the continuation of The Corps. We look forward to participating in the transition to an even stronger and more vibrant Conservation Corps that can help more County young people live independent and productive lives.

Our Board met and adopted the following resolution regarding the Executive's proposed budget:

Resolved that:

The goal of the Friends Board in this challenging budget environment is to maintain the critical services and programs that The Corps provides to at-risk youth in the County. We support the concept of a public-nonprofit partnership which continues The Conservation Corps' mission, contingent on the implementation of the following:

- serving out-of-school, unemployed youth
- education, including GED and AmeriCorps education scholarships
- job training, preparation, and placement
- conservation
- youth development
- personal and life skills

Therefore be it resolved that:

The Friend's Board seeks the County Council's support of the budget proposed by the County Executive as it relates to the Montgomery County Conservation Corps.

I know you will be making difficult decisions over the next few months and we wish you well.

Now, on a lighter note, we have 15 rain barrels left for sale and I know that each of you would love to purchase one. I would be more than happy to make the arrangements for you.

Thank you for your time this evening.

Jerry Rupert
Gerald L. Rupert and Associates
12300 Blakely Court
Silver Spring, MD 20904
(W) 301-572-5333

12

Article XVI. Service Contracts.*(1)

Sec. 11B-71. Definitions.

In this Article, the following words have the meanings indicated.

(a) *Adversely affect* means:

- (1) loss of County employment;
- (2) reduction in pay or benefits;
- (3) reduction in pay grade; or
- (4) loss of bargaining unit work.

(b) *Public employee* means:

(1) a County merit system employee who is a member of the Office, Professional, and Technical (OPT) or Service, Labor, and Trades (SLT) bargaining unit; or

(2) a temporary, seasonal, or substitute employee who is a limited scope member of the OPT or SLT bargaining unit under Section 33-105(c)(2). (2006 L.M.C., ch. 28, § 1.)

Sec. 11B-72. Scope of Article.

(a) This Article applies to a service contract that the Director finds will, if awarded:

- (1) exceed an estimated annualized cost of \$75,000; and
- (2) adversely affect a public employee, as defined in Section 11B-71(b), by reducing or eliminating work already performed by County employees when the contract is solicited.

The Director must adjust the amount in paragraph (1) every 2 years to reflect the aggregate increase, if any, in the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the previous 2 years. The

MONTGOMERY COUNTY CODE

Director must calculate the adjustment to the nearest multiple of \$100.

(b) This Article does not apply to:

(1) a contract that is primarily to obtain goods or construction, but includes services related to the procurement of the goods or construction;

(2) a contract that the Director finds is necessary to meet an imminent threat to public health, welfare, or safety;

(3) a contract for services provided by a public entity;

(4) a contract for services provided by a local small business under the Local Small Business Reserve Program; or

(5) a non-competitive contract awarded by the Chief Administrative Officer under Section 11B-14(a)(4).

(c) This Article does not apply to or limit the authority of a Department or Office Director to abolish a bargaining unit position or conduct a reduction-in-force.

(d) This Article does not apply to or limit any contract for:

(1) any service that the County Council authorizes or requires to be provided by an independent contractor;

(2) any service by a consultant; or

(3) any professional service, unless that service is provided by bargaining unit employees when the contract is solicited. (2006 L.M.C., ch. 28, § 1.)

Sec. 11B-73. Approval of solicitation for service contract.

The Director must not issue a solicitation for a service contract under this Article unless the Chief Administrative Officer has certified that the contract complies with Section 11B-74. (2006 L.M.C., ch. 28, § 1.)

Sec. 11B-74. Certification by Chief Administrative Officer.

(a) The Chief Administrative Officer may certify that the Director may solicit a service contract under this Article if the using department has:

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(1) taken steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance;

(2) consulted with the certified representative of public employees who will be adversely affected if the County enters into the service contract; and

(3) demonstrated, based on a cost comparison analysis, that the County will save, over the term of the contract, at least 25 percent of the value of the contract.

(b) The using department must compare at least the following items in its cost analysis:

(1) direct costs, including fringe benefits, and an assumption that the contractor will meet the wage requirements of Section 11B-33A for the employees who perform work under the contract;

(2) indirect overhead costs, including a proportional share of administrative salaries and benefits, rent, equipment costs, utilities, and materials; and

(3) any continuing or transitional costs directly related to contracting for the service, including unemployment compensation and the cost of transitional services.

(c) (1) The using department must develop a plan of assistance for each public employee who will be adversely affected by the service contract. The plan of assistance must include:

(A) efforts to place each adversely affected public employee in a vacant County position;

(B) inclusion in the service contract, if feasible, of a requirement that the contractor must:

(i) notify the County of any vacant position for which displaced County employees may apply; and

(ii) consider hiring displaced public employees; and

(C) written notice of the anticipated adverse effect to each adversely affected public employee and the certified bargaining representative 120 days before the anticipated adverse effect will occur.

(2) The using department must bargain with the certified representative before adopting a final plan of assistance. (2006 L.M.C., ch. 28, § 1.)

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Sec. 11B-75. Enforcement.

(a) Noncompliance with this Article does not invalidate a contract award or proposed contract award that the County has otherwise validly awarded or issued.

(b) A public employee who is adversely affected by noncompliance with this Article may file an action in the Circuit Court for the County or the District Court of Maryland, depending on the amount in controversy. If the Court enters a judgment in favor of the employee, the County must reimburse the employee for any actual loss the employee incurred. (2006 L.M.C., ch. 28, § 1.)

Sec. 11B-76. Right of certified representative.

The certified representative of an adversely affected employee may submit an offer in response to a solicitation, under applicable procurement regulations, to have bargaining unit employees perform the services while achieving the targeted savings. (2006 L.M.C., ch. 28, § 1.)

MONTGOMERY COUNTY CODE

Endnotes

1 (Popup - Popup)

***Editor's note**—2006 L.M.C., ch. 28, §§ 2 and 3, as amended by 2009 L.M.C., ch. 9, § 2, state:

Section 2. Applicability. This Act applies to any solicitation issued and any covered service contract awarded on or after January 1, 2007.

Section 3. Report and evaluation. The County Executive must report to the Council President, not later than January 1, 2009, on the Executive branch's experience, if any to that point, with the process required by Article XVI of Chapter 11B, inserted by Section 1 of this Act, including any savings realized or costs added and any other effect on Executive branch performance. The Office of Legislative Oversight must evaluate the effect of the process required by Article XVI of Chapter 11B on the performance of Executive branch departments and offices, including any savings realized or costs added, by July 1, 2012, or any later date approved by Council resolution.