

**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Amendments to County government collective bargaining agreements

Each of these proposed resolutions, scheduled to be introduced by the Council President at the request of the County Executive, would approve out-of-cycle amendments to the County's collective bargaining agreements with the Municipal and County Government Employees Organization (MCGEO), representing County employees who are in the OPT and SLT bargaining units, the Fraternal Order of Police (FOP), representing members of the police bargaining unit, International Association of Fire Fighters (IAFF), representing members of the fire and rescue bargaining unit, and the Montgomery County Volunteer Fire Rescue Association (MCVFRA), representing the Local Fire and Rescue Departments (LFRD). See ©1-9 (MCGEO Agreement, Summary, MCGEO Agreement on Furlough Procedures, Summary), ©10-17 (FOP Agreement, Summary), ©18-21 (IAFF Agreement, Summary), and ©22-24 (MCVFRA Agreement, Summary). The OMB Fiscal Impact Statement for these Agreements is at ©25-26. The proposed MCGEO Resolution is at ©66-67, the proposed FOP Resolution is at ©68-69, the proposed IAFF Resolution is at ©70-71, and the proposed MCVFRA Resolution is at ©72-73.

Each of these agreements resulted from additional bargaining after the Council indicated its intent to reject certain negotiated items due to fiscal impact in May. None of these agreements were completed during the statutory 9-day period provided for renegotiation after the Council indicates by resolution its intent to reject certain negotiated provisions. Therefore, each of these agreements must be considered an out-of-cycle amendment to a collective bargaining agreement. The Council, in approving the FY11 Operating Budget on May 27, 2010, did not fund any of the provisions in the collective bargaining agreements providing for cost of living increases, service increments, imputed compensation for calculating retirement benefits beyond FY10, additional special pay, tuition assistance, or new equipment for volunteers.

**Legal Background**

Under the County Employees Labor Relations Laws (Police: County Code §§33-75 through 33-85; County employees: County Code §§33-101 through 33-112; Fire and Rescue employees: County Code §§33-147 through 33-157, and LFRD's §21-6), the County Council must review any term or condition of each final collective bargaining agreement requiring an appropriation of funds or enactment, repeal, or modification of a county law or regulation. In

addition, the Council must approve any item in a collective bargaining agreement covering the OPT and SLT bargaining unit, the fire and rescue bargaining unit, or the LFRD bargaining unit that “has or may have a present or future fiscal impact.” The Council President must set the schedule and deadline for Council action on an out-of-cycle bargaining agreement. The Council is not bound by the agreement on those matters over which the Council has final approval. The Council may address contract items individually rather than on an all-or-nothing basis.

### **Collective Bargaining Agreements**

1) **MCGEO:** The Executive entered into two separate agreements with MCGEO amending the current agreement effective July 1, 2010 through June 30, 2011:

- a. Procedures for implementing the furloughs required by the Council in the FY11 Operating Budget. These procedures do not require a change in law, a change in regulation, or have a fiscal impact. Therefore, the furlough procedures are not subject to Council approval.
- b. A one-time award of **26 hours** of compensatory leave to each bargaining unit member on January 1, 2011. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time.

2) **FOP:** The Executive and the FOP entered into a new two-year agreement effective July 1, 2010 through June 30, 2012. The new agreement incorporates all of the existing terms of the two-year agreement from July 1, 2009 to June 30, 2011 with the following amendments:

- a. A one-time award of **26 hours** of compensatory leave to each bargaining unit member on January 1, 2011. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time. In addition, these compensatory leave hours would not count towards the 80-120 hour maximum that can be rolled over from leave year to leave year.
- b. A second year reopener for cash compensation.
- c. A revised tuition assistance program beginning in FY12 with a maximum cost of \$135,000.
- d. Agreement that furlough hours would not result in a loss of retirement benefits. Although the Executive submitted proposed legislation to implement this provision, the Council enactment of Expedited Bill 18-10 on May 20 already implements this provision for police bargaining unit members.

3) **IAFF:** The Executive and the IAFF agreed to the following amendments to the existing agreement with the IAFF effective July 1, 2010 through June 30, 2011:

- a. On January 1, 2011, a one-time award of **48 hours** of compensatory leave to each bargaining unit member working a 2496-hour work year and a prorated number of compensatory leave hours for each bargaining unit member working a 42-hour or 40-hour work week. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time.
- b. Increases in special pay for CRT, EMT-I and EMT-P pay on July 1, 2010. **This provision was already rejected by the Council in the FY11 Operating Budget approved on May 27, 2010.**
- c. Suspend random alcohol and drug testing for FY11 and FY12.
- d. Eliminate the FROMS Physiology Program effective August 1, 2010, except for the \$100,000 budgeted for equipment. This provision would require the County to eliminate one filled Grade 27 exercise physiologist position.

4) **MCVFRA:** The Executive and the MCVFRA agreed to the following changes in the existing agreement effective July 1, 2008 through June 30, 2011:

- a. Postpone funding for the previously negotiated increase in the nominal fee, gear bags, turn-out boots, and an MCVFRA vehicle.
- b. Recognition of volunteer participation in the development of policy as provided by County Code Chapter 21.
- c. Provide equal discounts on transportation and recreational facilities for active volunteers that the County provides for career fire and rescue employees.

### Issues

#### 1. Is the award of compensatory leave subject to Council approval?

The award of compensatory leave is subject to Council approval under each County collective bargaining law if it requires a modification of County law or an appropriation of funds. Each collective bargaining law, except for the Police Labor Relations Law, also requires Council approval of a provision that “has or may have a present or future fiscal impact.” The Police Labor Relations Law was enacted in Bill 71-81 on April 6, 1982. The collective bargaining law covering the OPT and SLT units was enacted in Bill 19-86 on June 24, 1986 and the fire and rescue collective bargaining law was enacted in Bill 21-96 on July 23, 1996. We could not find any legislative history indicating that this difference in the language concerning Council approval of collective bargaining agreements was intended to create a significant distinction in the Council’s authority. The new language added in later collective bargaining laws appears to be intended to convey the same result – the Council retains the ultimate authority over fiscal matters.

OMB concluded that the award of compensatory leave has no fiscal impact because “this leave may only be taken when no overtime is required to cover absent employees and it may not be paid out at any time, including at separation.” See ©25. Council staff requested the Office of Legislative Oversight (OLO) to review this conclusion. OLO disagreed. See ©27-28. OLO concluded that the award of compensatory leave would have a significant future fiscal impact even under the conditions contained in these agreements. First, if an employee uses the compensatory leave instead of annual leave and carries over a larger annual leave balance, then this extra annual leave would be available for cash out at separation. Second, if an employee uses the compensatory leave to increase the employee’s time away from work, the employee has reduced availability for work.

OLO relied, in part, on a recent presentation from the CountyStat office on workforce availability. See ©29-60. CountyStat found that the 60 hours of compensatory leave granted to 1,022 top of grade employees last year reduced workforce availability by 2.9% at a cost of \$2.8 million. **OLO estimates the fiscal impact of the proposed compensatory leave for all employees to be \$6.93 million.**<sup>1</sup> If the employees use all of the compensatory leave awarded, the resulting time away from work would equal approximately 117 work years.

Despite OMB’s conclusion that the award of this compensatory leave does not have a fiscal impact on the County, the Council has the authority to decide this issue. In Council staff’s opinion, the analysis of both OLO and CountyStat is more reasonable. The Council, as the ultimate fiscal authority under the Charter, should retain jurisdiction to approve collective bargaining provisions awarding compensatory leave. **Council staff recommendation:** the award of compensatory leave is subject to Council approval.

## **2. Should the Council approve the compensatory leave?**

The 26 compensatory leave hours negotiated by MCGEO and the FOP and the 48 compensatory leave hours negotiated by the IAFF would substitute for the elimination of pay raises and the temporary pay reduction through furloughs for FY11. In most years, this would be a reasonable benefit for employees. However, it does not come free. As described above, compensatory leave will have a future fiscal impact on the County even though it can be implemented in FY11 without a supplemental appropriation. The policy question is whether the Council wants to approve this benefit for its employees and incur the reduction in workforce availability and additional leave payout.

In addition, the Executive has not provided an explanation for the significant additional compensatory leave negotiated with the IAFF. The Council has the authority to approve the leave as negotiated, reject all compensatory leave provisions, or some combination of both. One alternative would be to approve the same 26 hours of compensatory leave for all 3 bargaining units.

Approval of this compensatory leave for all employees can cost \$7 million. It is a difficult cost to identify, but it would exist. Revenue projections for FY11 and beyond have not

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<sup>1</sup> The Executive has proposed, subject to Council approval, extending the 26 hours of compensatory leave to non-represented employees. See ©27-28.

changed since the Council adopted the FY11 Operating Budget on May 27. Absent an increase in revenue projections, the Council should not approve a future increase in expenditures without a corresponding decrease in other expenditures under a structurally balanced budget policy. **Council staff recommendation:** reject the provisions awarding compensatory leave during FY11.

### **3. What is the justification for the increase in special pay for EMT and CRT employees in the fire bargaining unit?**

Fire and rescue employees with EMT-Is, EMT-Ps, and CRT certifications (Advanced Life Support or ALS providers hired after July 1, 2005) currently receive an additional base salary of \$3000 plus an hourly differential for time spent on an ALS transport unit. The current base and hourly differentials along with the negotiated increased differentials are shown at ©64. In response to questions from Council staff, Human Resources (OHR) provided an explanation for this proposed increase in special pay. See ©64-65. OHR does not report a significant loss of current ALS providers to other jurisdictions, but has had problems recruiting ALS providers internally from current fire and rescue employees. OHR also reports that neighboring jurisdictions have recently advertised for ALS providers with a higher starting salary than the County.

In order to pay for the estimated additional \$199,670 per year for this additional special pay, the agreement proposes to:

- a. eliminate random drug/alcohol testing for fire and rescue employees for FY11 and FY12 for a savings of \$34,280;
- b. eliminate one filled Grade 27 exercise physiologist position in the Fire and Rescue Occupational Medical Services (FROMS) program as of August 1, 2010 for a savings of \$129,420; and
- c. save the balance through undefined salary lapse.

The Council specifically rejected this additional special pay in approving the FY11 Operating Budget on May 27, 2010 in order to adopt a balanced budget. The Council rejected this provision along with every other increase in regular and special pay for all County employees. In addition, the Council approved a temporary reduction in pay for all County employees through the adoption of a furlough plan for FY11. **This agreement, if approved, would be the only increase in pay for any County employee in FY11.**

On June 29, the Council, at the request of the Executive, adopted new fiscal policies in Resolution No. 16-1415 providing for a structurally balanced budget where only recurring revenue is used for recurring expenses. This agreement would not follow that policy. The additional special pay would be a recurring expense into the foreseeable future. The proposed savings from the delay in random drug/alcohol testing and undefined salary lapse would not. The savings from terminating the exercise physiologist would only recur if the position is never refilled.

Due to the County's current fiscal problems, an agreement between the IAFF and the Executive to pay for an additional recurring employee benefit should include recurring savings from the elimination of a corresponding employee benefit. This agreement would fail that test also. Undefined salary lapse and the 2 year suspension of random drug and alcohol testing are

not employee benefits that should be traded for an increase in special pay. The FROMS program is an employee health and welfare benefit that is also a part of management's fitness for duty program. Without the physiologist, the fire and rescue employees will no longer have access to professional fitness assessments and prescriptions, and there would be no further development or oversight of the fitness program.

Although there is some justification for the increased special pay for these employees, the County's current fiscal position and the ill-advised tradeoffs to pay for the increased special pay do not support this increase. **Council staff recommendation:** reject the additional special pay, the suspension of the random drug and alcohol testing program, and the elimination of the exercise physiologist position.

#### **4. Should the Council approve the tuition assistance agreement with the FOP for FY12?**

The Council approved the suspension of the tuition assistance program in FY11 for all employees when it adopted the FY11 Operating Budget on May 27. The agreement with the FOP is the only one of the three agreements that extends beyond FY11. The Executive agreed with the FOP to reinstate the tuition assistance program with a cost cap of \$135,000 for FY12. Although this has no fiscal impact in FY11, it does have a future fiscal impact in FY12. It is, therefore, subject to Council approval this year. Even if it is approved this year, the Council must revisit this issue as part of the FY12 Operating Budget process next May.

The tuition assistance program (TAP) includes two components – Job Improvement Tuition Assistance Program (JITAP) and the Employee Training Assistance Program (ETAP). ETAP funds education or training to obtain a certificate or college undergraduate or graduate degree. JITAP funds job training courses and seminars that are not intended to lead to a certificate or college degree. The FOP agreement states that *only* ETAP funds are available for unit members.<sup>2</sup> However, the agreement also includes a provision creating a procedure for management and the union to jointly approve a list of courses and institutions offering job-related training that would qualify for tuition assistance. Qualifying job-related training courses from institutions that are not an accredited college or university is part of the JITAP program.

The Executive suspended the tuition assistance program during FY10 as a result of an Inspector General report about the abuse of the tuition assistance program by members of the police bargaining unit.<sup>3</sup> The County spent \$499,187 on tuition assistance for police officers in FY09, representing approximately 49% of TAP funds spent on all County employees that year. Therefore, the \$135,000 cap on tuition assistance in this agreement is a significant decrease in expenditures over past years.

Since the FOP Agreement is the only one to cover FY12, it is likely that bargaining with MCGEO and IAFF later this year will include discussions about tuition assistance for FY12. Although the \$135,000 cap on tuition assistance for the FOP in FY12 may be reasonable

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<sup>2</sup> FOP officials publicly stated that FOP members were never entitled to participate in the JITAP program during Council meetings discussing the OIG Report on Tuition Assistance.

<sup>3</sup> The Inspector General's Report can be reviewed on the Council's website at <http://www.montgomerycountymd.gov/content/InspectorG/pdf/igactivity/tuition.pdf>. The County is still investigating possible abuses of the TAP program by FOP members.

compared to past expenditures on tuition assistance, the Council should not commit to additional FY12 TAP expenditures until the revenue projections are updated during the FY12 budget process. The Council should revisit this provision next year as part of the FY12 budget process along with possible agreements with the other unions. The County's newly adopted 6-year balanced fiscal plan shows that FY12, absent increased revenue projections, will be as difficult as FY11. The Council should reject this provision now and agree to revisit this issue for all employees during the FY12 budget process. **Council staff recommendation:** do not approve the tuition assistance program for FY12 for the police bargaining unit, but agree to revisit this issue in the FY12 budget process.

**5. Should the Council approve the additional discounts for recreation and transportation for volunteer fire and rescue personnel?**

The OMB fiscal impact statement does not value the loss of revenue expected from providing additional discounts for volunteers. MCVFRA members currently receive 20% off classes, 20% off pool passes, and 50% off weight room fees. The career fire and rescue employees receive 100% discount on these fees. The active volunteers would receive the same 100% discount on these recreation facilities as career fire and rescue employees. There are approximately 300 active volunteers who would qualify for these discounts.

County employees currently receive free Ride-On passes. MCVFRA members currently receive the same free passes pursuant to Code §21-21(g). The agreement would simply reference this current discount. The OMB conclusion that these discounts would not cause a significant loss of revenue appears accurate. **Council staff recommendation:** approve the additional discounts for active volunteers.

<u>This packet contains:</u>	<u>Circle #</u>
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MCGEO Agreement and Summary	2
Executive Transmittal Memo for MCGEO Agreement on Furlough Procedures	4
MCGEO Agreement on Furlough Procedures and Summary	5
Executive Transmittal Memo for FOP Agreement	10
FOP Agreement and Summary	11
Executive Transmittal Memo for IAFF Agreement	18
IAFF Agreement and Summary	19
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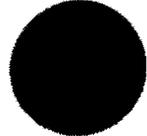
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Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

MEMORANDUM

June 21, 2010



APR 22 10 29 55  
MONTGOMERY COUNTY

TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive *Isiah Leggett*

SUBJECT: Memorandum of Understanding between the County and MCGEO

I have attached for informational purposes for the Council the Memorandum of Agreement resulting from additional collective bargaining negotiations between the County and the Municipal and County Government Employees Organization/United Food and Commercial Workers Union Local 1994 (MCGEO). Following the Council's resolution of intent, the parties bargained under Section 33-108(j) of the County Code but did not reach a final agreement until after the expiration of the 9-day period provided therein. This agreement reflects changes to the existing Collective Bargaining Agreement effective July 1, 2010 through June 30, 2011. I have also attached a summary of those changes.

Attachments

cc: Joseph Adler, Director, Office of Human Resources

IL: sw

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE MONTGOMERY COUNTY GOVERNMENT  
AND THE  
UFCW LOCAL 1994  
MCGEO

On May 4, 2010 the Montgomery County Council indicated its intention to reject funding for Article 41.6 (Imputed Income for Calculation of Retirement Income) of the FY 10 concession collective bargaining agreement between Montgomery County and UFCW Local 1994, MCGEO. As a result the parties have engaged in additional negotiations as mandated by Section 33-108(j) of the Montgomery County Code. In consideration of the above, and in accordance with the decision of the Labor Relations Administrator, (LRA Case No. 10-109-05 May 6, 2010, Furloughs) the parties have agreed to the following matters.

**Article 5 Wages, Salaries and Employee Compensation**

New Section 5.32. The County represents that going forward it will negotiate in good faith with UFCW Local 1994 MCGEO the what, who, and when of furloughs as ordered by the LRA. In recognition of the time constraints, the Union will, on a one time non-precedential basis waive its right to bargain and accept the decision of the Montgomery County Council on furloughing County government employees. Once the County Council takes action, the Employer and the Union will meet on an expedited basis to negotiate in good faith the procedures required to effect the furloughs.

**Article 6. Service Increments New Section (e) *One Time Compensatory Leave Award.*** On January 1, 2011, bargaining unit members shall, on a one time basis, be credited with twenty-six (26) hours of compensatory leave. Bargaining unit members must use the twenty-six hours as leave. This leave may only be taken when its use does not require backfill with overtime. Leave credited under this section cannot be paid out at any time including upon separation.

FOR THE EMPLOYER

  
Isiah Leggett, County Executive

5/29/10  
Date

FOR THE UNION

  
Gino Renne, President

5/20/10  
Date

**Summary of Memorandum of Understanding between MCGEO and MCG – May 2010**

No.	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations	Notes
1.	5.32/Furlough	County and MCGEO agree to negotiate the what, who and when of furloughs	No	No	No	N/A	
2.	6.1/Service Increments	<p>On 1/1/2011 bargaining unit members will be credited on a one time basis with 26 hours of comp leave to be used only as leave and when overtime to backfill is not required</p> <p>Comp leave will not be paid out upon separation</p>	No	No	No	Yes	

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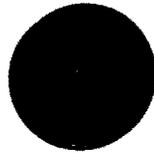
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Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

MEMORANDUM

June 21, 2010



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RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Memorandum of Agreement between the County and MCGEO on Furlough Procedures

I have attached for informational purposes for the Council the agreement between the County and the Municipal and County Government Employees Organization/United Food and Commercial Workers Union Local 1994 (MCGEO) relating to furlough procedures. This agreement resulted from a bargaining order issued by Labor Relations Administrator Andrew Strongin that the County has an obligation to bargain with MCGEO "over the what and who and when of furloughs." I have also attached a summary of the agreement. Please note that this agreement is scheduled for a ratification vote by MCGEO bargaining unit employees on June 24, 2010.

Attachments

cc: Joseph Adler, Director, Office of Human Resources

IL: sw

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE MONTGOMERY COUNTY GOVERNMENT  
AND THE  
UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1994  
MUNICIPAL AND COUNTY GOVERNMENT EMPLOYEES ORGANIZATION**

The County Council has approved a progressive furlough schedule, which is predicated on equivalent annual base salary. Effective July 1, 2010 bargaining unit employees will be furloughed as follows: a) base salary less than \$50,000 = 24 hours furlough leave (1.2%); b) base salary \$50,000 to \$100,000 = 40 hours furlough leave (1.9%); c) base salary more than \$100,000 = 64 hours furlough leave (3.1%).

The Montgomery County Government (Employer) and UFCW Local 1994, the Municipal and County Government Employees Organization, (Union) hereby agree to the following procedures for furloughing bargaining unit employees in Fiscal Year 2011.

1. Effective the pay period beginning July 4, 2010 the Employer will deduct an amount equal to  $1/24^{\text{th}}$  of value of the total furlough hours for 24 pay periods, regardless of whether the employee has taken all furlough leave by the end of FY11. Employees may elect to take their furlough leave at one time or spread out during the fiscal year, however, the deduction per pay period shall be limited to the  $1/24^{\text{th}}$  value of the total furlough hours for 24 pay periods.
2. The employee's annual base salary on July 4, 2010, will be the basis for calculating the payroll deduction.
3. When on furlough leave the employee is not in a pay status. Therefore, furlough leave hours do not count toward an employee's overtime threshold.
4. For benefit purposes, the definition of regular and final earnings will include any amount the employee would have received had the employee not been required to take a furlough. Furloughs will not have a negative impact on retirement benefits accruals. In the event that economic conditions/funding priorities change during FY 11, there will be a reopener to negotiate the potential reimbursement of lost wages due to furloughs.
5. Notwithstanding that furlough leave is a non-pay status, if an employee is on furlough leave, before or after a holiday, they will qualify to receive holiday pay.
6. The deduction for part-time, 10 month employees, employees hired after July 1, 2010, and employees who separate from County service before June 30, 2011 will be pro-rated.

7. Commencing the first pay period in FY 2011 and until such time as the employee has used all required furlough leave, any leave that is taken will automatically be converted to furlough leave.
8. Employee pay advices will state the number of furlough hours taken in the pay period and amount furlough deduction for the pay period.
9. If, by June 4, 2011, an employee has failed to take the required number of hours of furlough leave, it will be regarded as though the leave had been taken and any unused leave will be forfeited.
10. The furloughs will not cause negative impact on health and life insurance benefits.
11. The furloughs will not cause negative impact on leave accruals.
12. For the beginning of Calendar year 2011 only, employees may exceed their annual leave accumulation amount by the amount of furlough hours only.
13. Bargaining unit members will be allowed to change their tax withholdings during this furlough period.
14. Based on operational need, supervisors may determine which employees and how many employees can be furloughed on a particular date. Employees can use their furlough leave hours during holiday periods, based on operational needs. Such furlough requests will be honored on a first come first serve basis except that in the case of a tie when two or more employees made a request at the same time, County seniority shall prevail.
15. This agreement resolves all issues regarding furloughs for Fiscal Year 2011. The agreement may only be opened by mutual consent of the parties. All changes must be agreed to in writing by the parties.
16. The County and UFCW Local 1994 will jointly communicate furlough information to staff.

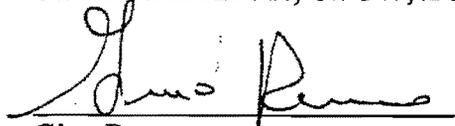
**FOR MONTGOMERY COUNTY  
GOVERNMENT**



Joseph Adler  
Director, Office of Human Resources

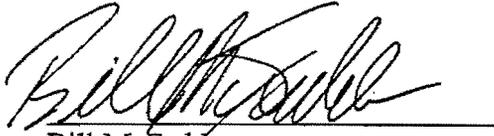
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Date

**FOR THE MUNICIPAL AND COUNTY  
GOVERNMENT EMPLOYEES  
ORGANIZATION, UFCW, LOCAL 1994**



Gino Renne  
President, MCGEO Local 1994

5/26/10  
Date



Bill McFadden  
FCMS Commissioner

5/26/2010  
Date

## Summary of Memorandum of Understanding between MCGEO and MCG – Furlough Procedures

Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations
Furlough Procedure	<p>Beginning July 4, 2010, the Employer will deduct 1/24<sup>th</sup> of value of the total furlough hours for 24 pay periods for FY 11.</p> <p>Employees may elect to take the furlough leave at one time or spread it out</p> <p>Payroll will use the employee's base annual salary on July 4, 2010 as the basis for the furlough deduction</p> <p>Furlough leave hours do not count towards overtime threshold</p> <p>Regular and final earnings will include any amount the employee would have received if the furlough had not occurred</p> <p>Furloughs will not have a negative impact on retirement earnings</p> <p>Parties will reopen in the event economic conditions change to discuss lost wages due to furlough</p> <p>An employee will receive holiday pay if they are on furlough leave before or after a holiday</p> <p>Part-time, 10 month employees, employees hired after July 1, 2010 and employees who separate before June 20, 2011 will receive a prorated deduction</p> <p>Starting the first pay period in FY 11, any leave taken shall be converted to furlough leave until the furlough leave amount has been used</p> <p>Pay advices will state the furlough hours taken in a pay period and the furlough deduction</p> <p>By June 4, 2010, any unused leave shall be forfeited and treated as if it was used</p> <p>No negative impact on health and life insurance benefits</p>	No	No	No	Yes

**Summary of Agreement between MCGEO and MCG – Furlough Procedures**

Page 2

Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations
	<p>No negative impact on leave accruals</p> <p>For calendar year 2011, employees may exceed annual leave accumulation cap by the amount of furlough hours</p> <p>Unit members will be allowed to change tax withholdings</p> <p>Supervisors may determine which and how many employees may be furloughed on a particular date based on operational need; Furlough leave requests during holiday periods shall be granted on a first come first serve basis; if two employees request at same time, more senior employee granted leave</p> <p>Agreement resolves issues for FY 11 furloughs</p> <p>Furlough information to be jointly communicated</p>				

Govt



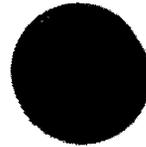
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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

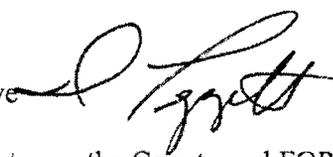
MEMORANDUM



June 24, 2010

CO: 11:00 05/26/10  
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TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Memorandum of Agreement between the County and FOP

I have attached for the Council's review the Memorandum of Agreement resulting from additional collective bargaining negotiations between the County and the Fraternal Order of Police, Montgomery County Lodge No. 35, INC (FOP). Following the Council's resolution of intent, the parties bargained under Section 33-80(h) of the County Code but did not reach a final agreement until after the expiration of the 9-day period provided therein. This agreement terminates the current Collective Bargaining Agreement for the years July 1, 2009 through June 30, 2011, and provides for a new two year successor agreement effective July 1, 2010 through June 30, 2012. This is an out-of-cycle amendment for Council review under Section 33-80(k). Because this agreement has fiscal impact, it requires Council approval. I have also attached a summary of the successor term agreement.

Article 50 of the agreement provides that if a police bargaining unit employee is required to take any furlough, regular earnings for retirement purposes must include any amount the employee would have received had the employee not been furloughed. Legislation to accomplish this change is also being transmitted to Council today.

Attachments

cc: Joseph Adler, Director, Office of Human Resources  
J. Thomas Manger, Chief of Police

IL: sw

MEMORANDUM OF AGREEMENT  
BETWEEN  
MONTGOMERY COUNTY GOVERNMENT  
AND THE  
FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE NO. 35, INC

The Montgomery County Government ("County") and the Fraternal Order of Police Montgomery County Lodge No. 35, Inc. ("FOP"), hereby agree to terminate the current Collective Bargaining Agreement (Agreement) for the employees in the Police bargaining unit for the years July 1, 2009 through June 30, 2011 effective June 30, 2010, and further agree to a new two (2) year successor agreement effective July 1, 2010 through June 30, 2012. This Memorandum of Agreement constitutes the successor term agreement. The existing terms of the current 2009 - 2011 Agreement are incorporated in this successor 2010-2012 agreement, subject to the following amendments:

**Article 21 Compensatory Leave**

**Add as new Section F.**

**Section F. *One Time Compensatory Leave Award.* On January 1, 2011, bargaining unit members shall, on a one time basis, be credited with twenty-six (26) hours of compensatory leave. Bargaining unit members must use the twenty-six hours as leave. This leave may only be taken when its use does not require backfill with overtime. Leave credited under this section cannot be paid out under the procedure outlined in Section A above. These hours will not count towards the 80-120 hour maximum and can be rolled from leave year to leave year. Leave credited under this section will not be paid out upon separation.**

**Article 31 Reopener**

\* \* \*

***Section F. Reopener Matters.***

**Second Year. Reopen for bargaining in the first year of the agreement for 2<sup>nd</sup> year of the contract on or before November 1, 2010 with timetable and impasse procedures set forth in PLRA, Section 33-81 on the following subjects:**

- 1. Cash Compensation for FY 12**
- 2. Whether a third year with a reopener on cash compensation will be added.**

**If the parties have not reached agreement by January 20, 2011, an impasse shall be deemed to exist, and the impasse procedure provided in PLRA Section 33-81 shall be implemented.**

\* \* \*

## 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 **subject to the provisions listed below.** [See MOA: *Redeployment, April 2005*]. Restating that JITAP is not available to unit members. However, this restatement is not intended to diminish any Police ETAP benefit.

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~~ **the police career ladder in the same job series or profession or a degree which qualifies a unit member for a career 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. **Final grades must be provided to the Office of Human Resources upon completion of the course.**
6. **When using tuition assistance for college courses, the courses must be taken at an accredited college or university as recognized by the United States Department of Education or the Higher Education Accreditation Commission.**
7. **The parties agree to create a list of courses and institutions which ~~offer nationally recognized~~ are representative of the type of law enforcement or job-related training that qualifies for tuition assistance. Bargaining unit members may use tuition assistance for such courses. ~~offered by institutions on this list.~~ In the event that either party ~~requests to add an institution to this list,~~ disputes any non-accredited course or institution for qualification, the parties agree that such a ~~request~~ dispute will be reviewed by a panel composed of equal numbers of Employer and Bargaining Unit representatives. If the panel cannot reach consensus on the ~~proposed addition~~ dispute, the matter will be referred to a mutually agreed upon third party educational expert with a background in law enforcement for final determination.**
8. **The parties agree to seek funding from County Council in the amount of \$135,000 for FY 12. Once this amount is exhausted in FY 12, the County will not approve any additional TAP requests for the remainder of the fiscal year.**

\* \* \*

## Article 47 Duration of Contract

This agreement shall become effective on July 1, 2009, 2010 and terminate on June 30, 2012, unless extended to June 30, 2013 pursuant to Article 31 *Reopener*.

Article 50 Reduction-In-Force and Furlough

Amend the Retirement Law and Bill 18-10:

Sec. 1. Sections 33-35, 33-113 and 33-128 are amended as follows:

33-35. Definitions

In this Article the following words and phrases have the following meanings:

\* \* \*

If a member is required to take any furlough, as defined in personnel regulations adopted under Section 33-7(b) OR A COLLECTIVE BARGAINING AGREEMENT, regular earnings must include any amount the member would have received if the member had not been required to take any furlough.

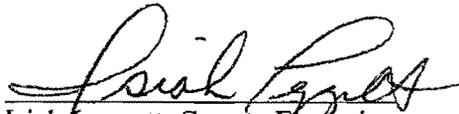
Other Provisions:

The parties may agree to a joint committee on other economic benefits.

Whenever the Employer sends correspondence or documents required to implement, amend or modify the terms of a negotiated CBA or any provisions thereof, FOP 35 will be sent a copy at the time it is sent to Council.

Increments will not be paid if not funded by the County Council.

FOR THE EMPLOYER:



Isiah Leggett, County Executive  
Montgomery County, Maryland

Date 6/22/10

FOR THE UNION:



Walter E. Bader, Chief Negotiator  
FOP Lodge 35, Inc

Date 06-16-10



Marc B. Zifcak, President  
FOP Lodge 35, Inc

Date 6/16/2010



## Montgomery County Lodge 35, Inc.

18512 Office Park Drive  
Montgomery Village, MD 20886

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Phone: (301) 948-4286

Fax: (301) 590-0317

June 2, 2010

Mr. Joseph Adler  
Director  
Office of Human Resources  
50 Monroe Street  
Rockville, Maryland 20850  
Montgomery County, Maryland

Dear Joe:

This is to confirm our understanding that, as a result of extended negotiations subsequent to the county council straw vote, Contract Article 39 has been amended and, further, that for Tuition Assistance applications for courses starting during FY 11, the Employer is not obligated to approve funding for those courses should no funding for tuition assistance be appropriated by the county council for FY 2011.

It is further agreed and understood that courses taken outside the United States must meet the requirements of Article 39, Section A.1., i.e., the course must be "related to the unit member's current job functions or those of the police career ladder in the same job series or profession or a degree which qualifies a unit member for a career position."

Sincerely,

Walter E. Bader  
Chief Negotiator



## Montgomery County Lodge 35, Inc.

18512 Office Park Drive  
Montgomery Village, MD 20886

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Phone: (301) 948-4286  
Fax: (301) 290-0317

Mr. Joseph Adler, Director  
Office of Human Resources  
50 Monroe Street  
Rockville, Maryland 20850  
Montgomery County, Maryland

Dear Joe:

In an effort to avoid disputes concerning tuition assistance, in agreeing to changes to Article 39 *Tuition Assistance*, and with appreciation for your interest in administering Article 39 consistent with its intent, we note the following:

1. **Noting in this agreement affects the outstanding grievances relating to tuition assistance or any other matter that occurred prior to July 1, 2010;**
2. **We have agreed to funding limitations for FY 11 and FY 12 only. Funding for FY 13 and subsequent years will be consistent with established past practice.**
3. **Except for the modifications to Section A, paragraphs 1, 5, 6, 7, and 8 (for FY 12), and the sideletter, no other changes are made and prior grievance resolutions still apply to the extent they are not in direct conflict with these changes. (In stating this, we do not believe that any are in conflict, and suggest that one prior grievance case supports the county's current position concerning ineligibility of certain religious coursework.)**
4. **Profession means "law enforcement".**
5. **"A degree which qualifies a unit member for a career position" means, for example, a Bachelor's or Master's degree, from an accredited institution. It includes any course that would qualify an individual to receive that degree.**
6. **Final grades must be provided to the Office of Human Resources upon completion of the course. A course is considered complete when final grades are received.**
7. **Courses and institutions which are representative of the type of law enforcement or job-related training that is not college accredited but otherwise qualifies for tuition assistance include, but are not limited to Reid Associates Interviewing and Interrogation Techniques. We will provide you a list of what we consider to be proper examples.**

Sincerely,

*Walter E. Bader*  
Walter E. Bader  
Chief Negotiator

## Summary of Memorandum of Understanding between FOP and MCG June 2010

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations	Notes
1.	21 / Compensatory Time	On 1/1/2011 bargaining unit members will be credited 26 hours of comp leave to be used only as leave and when overtime to backfill is not required  Leave will not be paid out upon separation	No	No	No	Yes	
2.	31.F / Reopener	Parties shall reopen agreement during first year of the contract, on or before 11/1/2010, to negotiate cash compensation for FY 12	No	No	No	Yes	
3.	39.A / Tuition Assistance	Tuition assistance funds must be used for member's current job functions or those functions related to the police career ladder in same job series or profession or degree which qualifies member for a career position.  Final grades must be submitted to OHR upon completion of course.  College courses must be taken at an accredited college or university.  Parties agree to create a list of courses and institutions related to law enforcement or job related training that qualifies for tuition assistance.  In the even either party disputes a course, a panel made of equal numbers of Employer and Bargaining Unit representatives shall review. In the event no consensus can be reached a 3 <sup>rd</sup> party educational expert with a background in law enforcement shall make final determination.	No	No	No	Yes	

Summary of Memorandum of Understanding between FOP and MCG June 2010

Page 2

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations	Notes
4.	39.A / Tuition Assistance	FY 12 budget for FOP tuition assistance funds shall be \$135,000	Yes	Yes	No	No	
5.	39.A / Tuition Assistance	Side Letter: Course outside of the US must meet requirements  Side Letter: FOP to provide letter indicating their understanding that if no funding for tuition assistance is provided by Council for FY 11, the Employer will not approve tuition assistance for any bargaining unit for FY 11	No	No	No	Yes	
6.	47/ Duration of Contract	July 1, 2010 through June 30, 2012	No	No	No	N/A	
7.	50 / Furlough	Amend Retirement Law and Bill 18-10  In the event of a furlough, regular earnings must include any amount the employee would have received as if the furlough had no occurred	No	No	Yes	Yes	
7.	Other provisions	Parties may agree to a joint committee on economic benefits  Any correspondence sent to Council in regards to implement, amend or modify the CBA, the Union will receive a copy  Increments will not be paid if not funded by the Council	No	No	No	Yes	

Copy



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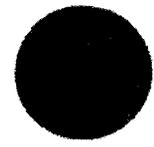
Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

MEMORANDUM

June 21, 2010

057657



TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Memorandum of Agreement between the County and IAFF

I have attached for the Council's review the Memorandum of Agreement resulting from additional collective bargaining negotiations between the County and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO (IAFF). Following the Council's resolution of intent, the parties bargained under Section 33-153(p) of the County Code but did not reach a final agreement until after the expiration of the 9-day period provided therein. This agreement reflects changes to the existing Collective Bargaining Agreement effective July 1, 2010 through June 30, 2011. This is an out of cycle amendment for Council review under Section 33-153(s). Because this agreement has fiscal impact and, in fact, is contrary to budget resolution ¶ 18, it requires Council approval. I have also attached a summary of those changes.

Attachments

cc: Joseph Adler, Director, Office of Human Resources  
Richard Bowers, Chief, Fire and Rescue Service

IL: sw

100 JUN 21 PM 3:54  
AIRC MAIL ROOM

MEMORANDUM OF AGREEMENT  
BETWEEN  
MONTGOMERY COUNTY GOVERNMENT  
AND THE  
MONTGOMERY COUNTY CAREER FIRE FIGHTERS ASSOCIATION,  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1664, AFL-CIO

Montgomery County Government (Employer) and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO, (Union) have met pursuant to Section 33-153(p) of the Montgomery County Fire and Rescue Collective Bargaining Law and have reached the following agreements. These agreements shall be effective as of July 1, 2010 unless otherwise stated.

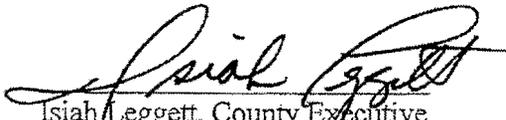
1. Compensatory Leave. Article 49 of the parties' existing Collective Bargaining Agreement is amended to include a new Section 49.5 as follows:  
**Section 49.5 Additional Compensatory Leave Credit**  
Effective January 1, 2011, each bargaining unit employee who is assigned to a 2,496-hour work year and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with 48 hours of compensatory leave. Effective January 1, 2011, each bargaining unit employee who is assigned to a 42-hour or 40-hour workweek and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with a prorated number of hours of compensatory leave. Leave under this section may not be used if it causes the need to backfill with overtime. Leave granted under this section cannot be paid out under the procedure outlined in 49.1 above and will not apply to the maximum carryover described therein. These hours may be rolled over from leave year to leave year. Leave granted under this section will not be paid out upon separation.
2. The parties agree to a side letter stating: Neither the County Executive nor any of his representatives shall publicly or privately oppose the Union's proposal submitted to the County Council to amend Expedited Bill 16-10 so that the 4% FY '10 imputed GWA for retirement purposes shall apply to bargaining unit employees who have on file before July 1, 2010 an application for disability retirement benefits that is approved after July 1, 2010.
3. Special Pay Differentials. The increases in CRT, EMT-I and EMT-P pay differentials scheduled to take effect the first full pay period on or after July 1, 2010 pursuant to Section 17.2(A-D) of the parties' existing Collective Bargaining Agreement shall go into effect as scheduled.
4. The parties agree to a side letter stating: Random alcohol/drug testing of bargaining unit employees shall be suspended in FY '11 and FY '12. No random alcohol/drug testing program applicable to bargaining unit employees shall be implemented in any fiscal year following FY '12 unless the Employer and the Union negotiate an agreement as part of normal term negotiations

covering the decision to implement a testing program and the procedures of such program.

5. The Employer agrees to eliminate the FROMS Physiology Program, effective August 1, 2010, with the exception of the \$100,000 budgeted for the purchase of equipment. The Employer will recommend that the savings from the elimination of the FROMS Physiology Program will be used to fund the Special Duty Differentials described in Section 3 above.

Any claimed violation of any section of this Memorandum of Agreement (either in whole or in part) may be grieved and arbitrated in accordance with Article 38 (Contract Grievance Procedure) of the parties' existing Collective Bargaining Agreement.

FOR THE EMPLOYER:

  
Isiah Leggett, County Executive

Date 5/29/2010

FOR THE UNION:

  
John J. Sparks, President

Date May 19, 2010

## Summary of Memorandum of Understanding between IAFF and MCG – May 2010

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations
1	17, Special Duty Differentials	Effective the first full pay period on or after: 7/1/2010 - Increase the Cardiac Rescue Technician pay differential to \$4,515; increase the Emergency Medical Technician – Paramedic as follows: 0-4 years: \$6,080, 5-8 years: \$7,391, and 8+ years: \$8,701; and increase the CRT, EMT-I, and EMT-P hourly differential by \$2.00	Yes*	Yes*	No	Yes
2	49.5, Compensatory Leave	On 1/1/2011 bargaining unit members working 2,486 hour work year will be credited 48 hours of comp leave and unit members working 40/42 hour work week will be credited a prorated number of hours to be used only as leave and when overtime to backfill is not required  These hours will roll over from leave year to leave year  Leave will not be paid out upon separation	No	No	No	Yes
3	Sideletter	County Executive and his representatives shall not oppose union's proposal to amend Bill 16-10 to allow for unit members filing for disability retirement prior to 7/1/2010 to receive the 4% imputed GWA	No	No	No	Yes
4	Sideletter	Random drug/alcohol testing program shall be suspended for FY 11 and FY 12  Union and Employer must negotiate an agreement for random testing for fiscal years after FY 12	No	No	No	Yes
5		Employer agrees to eliminate the FROMS Physiology Program effective 8/1/2010 with the exception of \$100,000 budgeted for the purchase of equipment.  Employer to recommend that savings from this elimination be used to fund the special duty differentials listed in #1 of this table	No	Yes	No	Yes

\*Savings from the elimination of the FROMS Physiology Program will fund the Special Duty Differentials



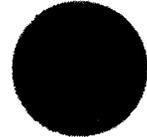
057755

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

June 21, 2010



7:40 AM '10

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TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Memorandum of Agreement between the County and MCVFRA

I have attached for informational purposes for the Council the Memorandum of Agreement resulting from additional collective bargaining negotiations between the County and the Montgomery County Volunteer Fire Rescue Association (MCVFRA) following Council action under Section 21-6(q) of the County Code. This agreement reflects changes that will be made to the existing Collective Bargaining Agreement effective July 1, 2008 through June 30, 2011. I have also attached a summary of the changes.

Attachments

cc: Joseph Adler, Director, Office of Human Resources  
Richard Bowers, Chief, Fire and Rescue Service

IL: sw

County Comprehensive Proposal  
5/20/10  
11:00 am

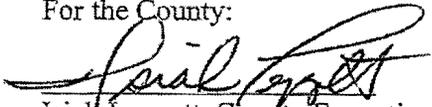
MEMORANDUM OF AGREEMENT  
BETWEEN  
THE MONTGOMERY COUNTY GOVERNMENT  
AND THE  
MONTGOMERY COUNTY VOLUNTEER FIRE RESCUE ASSOCIATION

The Montgomery County Government ("County") and the Montgomery County Volunteer Fire Rescue Association ("MCVRA"), hereby agree to amend the parties' current directly negotiated agreement (Agreement) effective July 1, 2008 – June 30, 2011, as follows:

1. The parties agree to postpone the provisions of the agreement that the County Council did not fund, including the increase to the nominal fee, the gear bags, the turn-out boots, and the funds for an MCVFRA vehicle. These provisions will not be effective during FY11. Any postponed or renegotiated provisions are subject to the appropriation of funds by the Council.
2. The County agrees to abide by the provisions concerning volunteer participation in the development of policy contained in Chapter 21 of the Montgomery County code, including Sections 21-3(f) and 21-6(e).
3. The parties agree that, for the purposes of administering the transportation and recreational facilities discounts enumerated in Section 21-21(g) of the Montgomery County Code, active volunteers will be eligible to receive the same discounts offered to career Fire Rescue personnel.

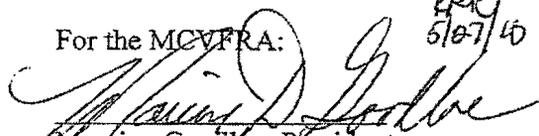
These provisions constitute a comprehensive package proposal.

For the County:

  
Isiah Leggett, County Executive

Date 6/2/10

For the MCVFRA:

  
Marcine Goodloe, President

Date 5/20/10

**Summary of Memorandum of Understanding between MCVFRA and MCG – May 2010**

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Consistent with Personnel Regulations
1	Provisions not funded for FY 11	Parties agree to postpone the increase to the nominal fee, gear bags, turnout boots, and funds for MCVFRA vehicle for FY 11	No	No	No	Yes
2	11, Uniform and Equipment	County agrees to include volunteers in policy creation process as outlined in Chapter 21, Sections 21-3(f) and 21-6(e)	No	No	No	Yes
3	Recreation Facilities	Volunteers will receive discounts for recreational facilities and transportation as provided to career Fire/Rescue under Section 21-21(g)	No	Slight loss of revenue	No	Yes



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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph F. Beach  
Director

MEMORANDUM

June 24, 2010

TO: Nancy Floreen, President, County Council  
FROM: Joseph F. Beach, Director  
SUBJECT: Fiscal Impact Statement – FY11 Memoranda of Understanding (MOU) between Montgomery County Government and Municipal and County Government Employees Organization (MCGEO), Local 1994, Fraternal Order of Police (FOP), Lodge 35, International Association of Fire Fighters (IAFF), AFL-CIO, Local 1664, and Montgomery County Volunteer Fire Rescue Association (MCVFRA)

101 JUN 25 10 11 24

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject labor agreements.

The County Executive's FY11 recommended operating budget did not fund general wage adjustments, service increments, or tuition assistance for County government employees. Since the Council voted unanimously to reject these and other provisions that would have required an appropriation of funds, it designated a representative to meet with the parties and present the Council's views in further negotiations. This fiscal impact statement concerns the MOUs resulting from those discussions.

FY11 MCGEO and FOP MOUs

On January 1, 2011, MCGEO and FOP bargaining unit members will receive, on a one-time basis, twenty-six (26) hours of compensatory leave<sup>1</sup>. There is no fiscal impact due to this provision because this leave may only be taken when no overtime is required to cover absent employees and it may not be paid out at any time, including at separation.

FY11 IAFF MOU

The individual provisions noted below have a fiscal impact, but the net impact requires no additional appropriation.

<sup>1</sup> Please note that this leave will be extended to non-represented and Management Leadership Service employees.

- Section 17.2, A-D: The increases in certain special pay differentials for cardiac rescue technicians and emergency medical technicians for FY11 provided for in the collective bargaining agreement with IAFF, as originally negotiated, shall go into effect the first full pay period on or after July 1, 2010. Relative to the budget approved by the County Council, the estimated FY11 cost for the increased special pay differentials is \$199,670.
- Random Alcohol/Drug Testing: This program is suspended in FY11, which will save an estimated \$34,280 in FY11.
- Fire and Rescue Office of Medical Services (FROMS) Physiology Program: This program will be eliminated, effective August 1, 2010, resulting in the abolishment of one Exercise position and the cessation of the peer fitness component of the program, for a total savings of \$129,420.

The remaining \$35,970 in required savings will be realized through increased lapse.

#### FY11 MCVFRA MOU

In FY11, the same 100% discount on all recreation fees received by career Fire and Rescue Service personnel will be extended to active MCVFRA members. This increases a partial discount<sup>1</sup> to a full discount for recreational facility classes, pool passes, and weight room fees. The impact on revenues can not be quantified because it is not known how many of the eligible volunteers will take advantage of this benefit but is not expected to be significant.

JFB:lob

- c: Kathleen Boucher, Assistant Chief Administrative Officer  
Dee Gonzalez, Offices of the County Executive  
Joseph Adler, Director, Office of Human Resources  
Thomas Manger, Chief, Montgomery County Department of Police  
Richard Bowers, Chief, Montgomery County Fire and Rescue Service  
Dominic Del Pozzo, Montgomery County Fire and Rescue Service  
Alex Espinosa, Office of Management and Budget  
John Cuff, Office of Management and Budget  
Blaise DeFazio, Office of Management and Budget

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<sup>1</sup> MCVFRA members are currently entitled to receive partial recreation discounts of 20% off classes, 20% off pool passes, and 50% off weight room fees.

**MEMORANDUM**

July 7, 2010

TO: Robert Drummer, Senior Legislative Attorney  
FROM: Aron Trombka,<sup>AT</sup> Senior Legislative Analyst, OLO  
SUBJECT: Fiscal Impact of Compensatory Leave Awards

This memo responds to your request for comments on the fiscal impact of awarding compensatory leave. As observed in the CountyStat presentation “Measuring County Workforce Availability” (June 18, 2010), compensatory leave is one of the factors that makes workers unavailable to perform their duties. According to CountyStat, worker unavailability, in turn, has a real fiscal impact on the County (see [http://www.montgomerycountymd.gov/content/exec/stat/pdfs/6\\_18\\_2010\\_ppt.pdf](http://www.montgomerycountymd.gov/content/exec/stat/pdfs/6_18_2010_ppt.pdf).) A CountyStat slide showing a calculation of the cost of compensatory leave appears on the next page.

Approximately 8,700 County Government employees would receive additional compensatory leave as a result of the proposed Memoranda of Agreement (MOAs). IAFF members would receive 48 hours of compensatory leave. FOP, MCGEO, and non-represented<sup>1</sup> employees would receive 26 hours of compensatory leave.

As shown in the table below, the compensatory leave provided by the MOUs would have an approximate value of about \$7 million (based on an assumed average annual salary of \$60,000 for all employees receiving the compensatory leave).<sup>2</sup>

	IAFF	FOP	MCGEO, Non-Represented	
Assumed Annual Salary	\$60,000	\$60,000	\$60,000	
Hourly Salary	\$24.04	\$28.85	\$28.85	
Hours of Compensatory Time	48	26	26	
Number of Employees	1,000	1,000	6,700	
Annual Cost	\$1,150,000	\$750,000	\$5,030,000	<b>\$6,930,000</b>

<sup>1</sup> In a July 6 memorandum, the OHR Director announced his intent to provide 26 hours of compensatory leave to non-represented employees (excluding, the County Executive, The Chief Administrative Officer, the Special Assistants to the County Executive, and appointed department directors).

<sup>2</sup> For the purpose of this quick analysis, I used a conservative estimate of average annual salary. The actual mean salary for IAFF and other employees likely is higher than \$60,000.

The County will experience the fiscal impact of the proposed award of compensatory leave in one of two scenarios. For some employees, the award of additional compensatory leave will not increase the amount of paid time leave taken; for other employees, the award of additional compensatory leave will increase the amount of paid time off. Under either scenario, the County will experience a fiscal impact.

**Scenario #1: The award of compensatory leave does not affect the amount of leave taken by an employee.** In this case, the employee elects to use compensatory leave as an alternative to using annual leave. As a result, the employee would then carry a higher annual leave balance that would be available for cash out at the end of his/her employment. This fiscal impact represents a newly accrued liability assumed by the County and will eventually result in direct expenditure of public dollars.

**Scenario #2: The award of compensatory leave induces an employee to increase the amount of time away from work.** In this case, the employee decides to use compensatory leave in addition to his/her earned annual leave. As a result, the employee would have reduced “availability” (to use the CountyStat term) to perform his/her duties. County ratepayers would pay for this leave time but would receive no service during those hours. This fiscal impact does not affect the amount of public dollars expended but represents a measurable reduction in service received for government expenditures. Should employees use all of the proposed compensatory time offered in the MRAs, the resulting time away from the job would equal approximately 117 work years.

	IAFF	FOP	MCGEO, Non-Represented	
Comp. Hours Per Employee	48	26	26	
Number of Employees	1,000	1,000	6,700	
Total Comp Hours	48,000	26,000	174,200	
Work Hours Per Work Year	2,496	2,040	2,040	
Number of Work Years	19	13	85	<b>117</b>

The decisions of individual employees will determine the allocation of the fiscal impact between newly accrued liability and loss of service. In any case, the total value of the awards of compensatory leave in the proposed MOAs equals approximately \$7 million.

# Measuring County Workforce Availability

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June 18, 2010



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## **CountyStat Principles**

- **Require Data Driven Performance**
- **Promote Strategic Governance**
- **Increase Government Transparency**
- **Foster a Culture of Accountability**



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# Agenda

- **Welcome and introductions**
- **Measuring workforce availability**
  - Methodology
  - FY10-Q3 availability
- **Discussion of policies about and use of workforce availability**
  - Budget process
  - Personnel management
- **Wrap-up**



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## Meeting Purpose

- **Develop a better understand of County workforce availability in Montgomery County and develop a standard for tracking this variable.**

## Why Workforce Availability is Important

- **Small changes in availability can have large effects on workload and personnel needs**
  - DOCR has documented the effects of changes in availability on their personnel needs for custody and security of inmates

**Across all employees, just a 1% increase in availability would add the equivalent of 97.8 positions to the workforce**



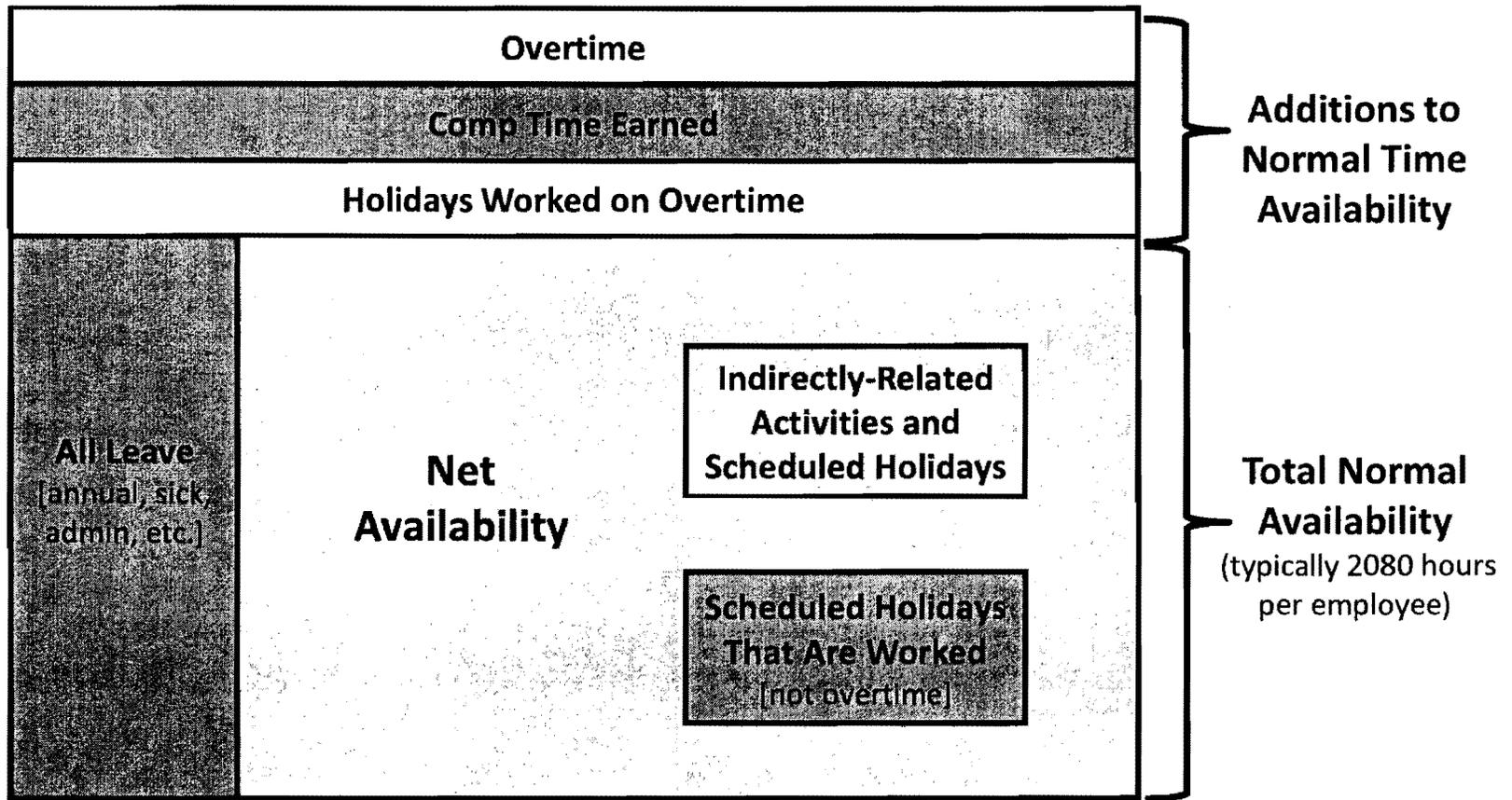
## Tracking Workforce Availability Methodology

- **Workforce availability measures the percent of total available hours that personnel can spend on mission-related activities**
  - Quarterly reports show availability across all department employees each quarter
  
- **Factors the reduce availability**
  - Absenteeism
    - (annual leave, sick leave, administrative leave, scheduled holidays, etc.)
  - Declared emergencies or government shut-down
  - Indirectly-related activities (training, mandated breaks, etc.)
  
- **Factors that increase availability**
  - Positions that are required to work during scheduled holidays
  - Purchases of extra time such as overtime and comp time

Workforce availability is shown as a percent of total available hours.  
For most personnel, total available hours are  
2080 hours = 40 hours per week \* 52 weeks per year



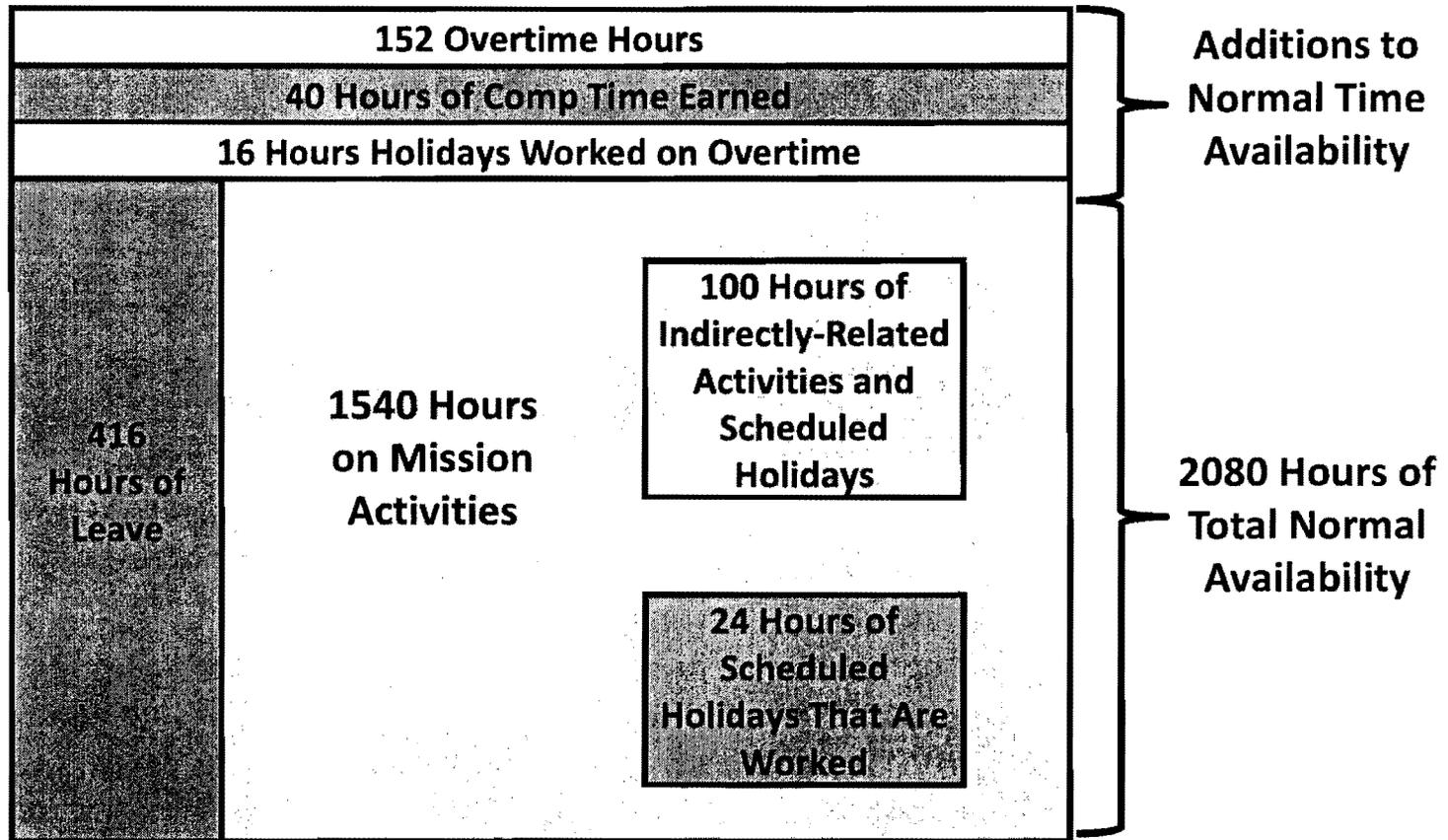
# Workforce Availability Overview



 = Time Recorded as REG Time on Timesheets



# Calculating Workforce Availability: Person X Example



Net Available Hours = 1540 + 100 + 24 = 1664

Net Available Percent = 1664/2080 = 80%

Total Available Percent = ( 1664 + 16 + 40 + 152 ) / 2080 = 90%



## Factors That Reduce Availability Absenteeism

Factor	Data Available	Data Unavailable
Annual leave	X	
Sick leave	X	
Personal leave	X	
Paid time off	X	
Compensatory leave used	X	
Administrative leave*	X	
Disability leave	X	
Military leave	X	
Leave without pay	X	
Professional improvement leave	X	
Scheduled holidays		X

\* Administrative leave is used to capture a wide range of factors: emergency closures, bereavement, leave pending disciplinary action, leave to attend to administrative duties such as union duties, jury duty, etc. These varying reasons cannot be separated in the data.



## Factors That Reduce Availability Indirectly-Related Activities

Factor	Data Available	Data Unavailable
Training (not recorded as professional improvement leave)		X
Mandated breaks		X
Travel		X
Support tasks		X

Indirectly-related activities are currently recorded as "regular" time.



## Factors That Increase Availability

Factor	Data Available	Data Unavailable
Overtime	X	
Compensatory leave earned	X	
Work during scheduled holidays	X	



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## Data Caveats

- **Fire personnel have a different number of hours per year than other employees**
  - Using percentages rather than hours allows Fire personnel to be compared accurately to other personnel
- **Net available hours shown includes time spent on indirectly-related activities and scheduled holidays**
  - Actual availability is lower than what is shown
  - Results shown here will differ from the results of formal net annual work hours studies performed by some departments
- **All data is dependent upon accuracy in timekeeping**



# Workforce Availability FY10-Q3: Executive Departments

## Factors that Reduce Availability

Dept.	Factors that reduce availability - leave						Net Available
	Annual	Sick	Comp	Admin	Disability	Other	
MCPD	6%	4%	2%	4%	0%	1%	83%
HHS	6%	5%	1%	6%	0%	1%	82%
MCFRS	7%	5%	2%	2%	2%	0%	82%
DOT	5%	5%	2%	4%	1%	1%	83%
DOCR	5%	5%	2%	2%	1%	1%	85%
DGS	4%	5%	3%	3%	1%	0%	84%
DLC	4%	4%	1%	5%	0%	0%	85%
LIB	5%	4%	1%	5%	0%	0%	85%
DPS	6%	5%	1%	5%	0%	1%	82%
REC	3%	3%	0%	4%	0%	0%	89%
<b>All dept.</b>	<b>5%</b>	<b>4%</b>	<b>2%</b>	<b>4%</b>	<b>1%</b>	<b>1%</b>	<b>84%</b>

Annual leave includes both annual leave and personal leave. Other leave includes paid time off, military leave, leave without pay, and professional improvement leave.

Note that data shown has been rounded and may therefore not add to 100%.



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## Workforce Availability FY10-Q3: Executive Departments Factors that Increase Availability

Dept.	Total Potential Hours	Net Available	Factors that increase availability			Total Available
			Overtime	Comp Earned	Holiday	
MCPD	850,811	83%	5%	3%	1%	92%
HHS	804,137	82%	1%	1%	0%	84%
MCFRS	756,195	82%	9%	2%	4%	97%
DOT	647,422	83%	20%	3%	0%	105%
DOCR	278,370	85%	7%	1%	0%	93%
DGS	225,954	84%	10%	3%	0%	97%
DLC	191,373	85%	2%	1%	0%	88%
LIB	187,825	85%	0%	0%	0%	85%
DPS	97,135	82%	4%	1%	0%	86%
REC	91,691	89%	0%	1%	0%	90%
<b>All dept.</b>	<b>4,908,927</b>	<b>84%</b>	<b>6%</b>	<b>2%</b>	<b>1%</b>	<b>92%</b>



Note that data shown has been rounded.

Workforce Availability

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## Workforce Availability FY10-Q3: Executive Departments Factors that Reduce Availability

Dept.	Factors that reduce availability - leave						Net Available
	Annual	Sick	Comp	Admin	Disability	Other	
DTS	5%	4%	1%	4%	0%	1%	85%
DEP	6%	5%	2%	5%	0%	1%	83%
FIN	5%	4%	1%	5%	0%	1%	86%
OHR	6%	3%	1%	5%	0%	1%	84%
DHCA	5%	4%	1%	5%	0%	1%	84%
RSC	3%	3%	2%	4%	0%	0%	88%
CAT	5%	4%	1%	5%	0%	0%	86%
CEX	3%	3%	1%	4%	0%	2%	87%
DED	4%	3%	1%	4%	0%	2%	86%
BOE	5%	3%	1%	4%	0%	1%	85%
<b>All dept.</b>	<b>5%</b>	<b>4%</b>	<b>2%</b>	<b>4%</b>	<b>1%</b>	<b>1%</b>	<b>84%</b>

Annual leave includes both annual leave and personal leave. Other leave includes paid time off, military leave, leave without pay, and professional improvement leave.

Note that data shown has been rounded and may therefore not add to 100%.



## Workforce Availability FY10-Q3: Executive Departments Factors that Increase Availability

Dept.	Total Potential Hours	Net Available	Factors that increase availability			Total Available
			Overtime	Comp Earned	Holiday	
DTS	79,012	85%	1%	1%	0%	87%
DEP	75,548	83%	3%	1%	0%	86%
FIN	55,350	86%	0%	0%	0%	86%
OHR	40,039	84%	0%	1%	0%	85%
DHCA	39,620	84%	0%	0%	0%	85%
RSC	38,713	88%	3%	1%	0%	93%
CAT	35,683	86%	0%	1%	0%	87%
CEX	25,072	87%	1%	2%	0%	90%
DED	21,885	86%	0%	0%	0%	86%
BOE	19,155	85%	0%	2%	0%	88%
<b>All dept.</b>	<b>4,908,927</b>	<b>84%</b>	<b>6%</b>	<b>2%</b>	<b>1%</b>	<b>92%</b>



Note that data shown has been rounded.

Workforce Availability

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6/18/2010

CountyStat

## Workforce Availability FY10-Q3: Executive Departments Factors that Reduce Availability

Dept.	Factors that reduce availability - leave						Net Available
	Annual	Sick	Comp	Admin	Disability	Other	
<b>OMB</b>	4%	3%	1%	3%	0%	1%	<b>88%</b>
<b>CUPF</b>	5%	4%	0%	5%	0%	0%	<b>85%</b>
<b>OCP</b>	5%	5%	1%	5%	0%	0%	<b>84%</b>
<b>HRC</b>	7%	6%	1%	5%	0%	1%	<b>80%</b>
<b>PIO</b>	4%	2%	1%	3%	0%	1%	<b>89%</b>
<b>OEMHS</b>	3%	5%	0%	2%	0%	1%	<b>88%</b>
<b>CFW</b>	3%	3%	0%	5%	0%	0%	<b>88%</b>
<b>IGR</b>	2%	1%	1%	3%	0%	0%	<b>93%</b>
<b>ECM</b>	2%	3%	0%	5%	0%	0%	<b>90%</b>
<b>All dept.</b>	<b>5%</b>	<b>4%</b>	<b>2%</b>	<b>4%</b>	<b>1%</b>	<b>1%</b>	<b>84%</b>

*Annual leave includes both annual leave and personal leave. Other leave includes paid time off, military leave, leave without pay, and professional improvement leave.*

*Note that data shown has been rounded and may therefore not add to 100%.*



## Workforce Availability FY10-Q3: Executive Departments Factors that Increase Availability

Dept.	Total Potential Hours	Net Available	Factors that increase availability			Total Available
			Overtime	Comp Earned	Holiday	
OMB	16,389	88%	0%	8%	0%	97%
CUPF	11,520	85%	0%	0%	0%	85%
OCP	9,113	84%	0%	0%	0%	85%
HRC	8,619	80%	0%	0%	0%	81%
PIO	6,741	89%	0%	2%	0%	91%
OEMHS	4,608	88%	4%	2%	0%	93%
CFW	4,498	88%	0%	1%	0%	89%
IGR	2,358	93%	0%	13%	0%	106%
ECM	1,536	90%	0%	0%	0%	90%
<b>All dept.</b>	<b>4,908,927</b>	<b>84%</b>	<b>6%</b>	<b>2%</b>	<b>1%</b>	<b>92%</b>



Note that data shown has been rounded.

Workforce Availability

# Comparisons of FY10-Q3 Availability to Last Quarter and Last Year

Dept.	FY10-Q3		Last quarter – FY10-Q2				Last year – FY09-Q3			
	Net	Total	Net	Δ	Total	Δ	Net	Δ	Total	Δ
MCPD	83%	92%	84%	-1%	94%	-2%	86%	-3%	96%	-4%
HHS	82%	84%	84%	-1%	85%	-1%	86%	-3%	86%	-3%
MCFRS	82%	97%	81%	1%	103%	-7%	85%	-3%	102%	-5%
DOT	83%	105%	86%	-3%	103%	2%	87%	-4%	97%	8%
DOCR	85%	93%	85%	0%	93%	0%	85%	-1%	93%	-1%
DGS	84%	97%	84%	0%	91%	6%	87%	-3%	95%	2%
DLC	85%	88%	89%	-4%	94%	-6%	89%	-4%	91%	-4%
LIB	85%	85%	85%	0%	85%	0%	90%	-6%	90%	-5%
DPS	82%	86%	84%	-3%	87%	-1%	87%	-5%	89%	-3%
REC	89%	90%	88%	1%	89%	1%	92%	-2%	92%	-2%
All	84%	92%	85%	-1%	93%	-1%	87%	-4%	94%	-2%

Decreases in net availability of more than 2.5% are colored red.  
 Increases in net availability of more than 2.5% are colored green.  
 Note that data has been rounded.



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# Comparisons of FY10-Q3 Availability to Last Quarter and Last Year

Dept.	FY10-Q3		Last quarter – FY10-Q2				Last year – FY09-Q3			
	Net	Total	Net	Δ	Total	Δ	Net	Δ	Total	Δ
DTS	85%	87%	86%	-1%	88%	-1%	89%	-4%	91%	-4%
DEP	83%	86%	83%	0%	86%	1%	87%	-4%	90%	-3%
FIN	86%	86%	86%	0%	88%	-1%	90%	-4%	91%	-4%
OHR	84%	85%	86%	-2%	87%	-2%	89%	-5%	90%	-5%
DHCA	84%	85%	85%	-1%	86%	-1%	90%	-5%	90%	-5%
RSC	88%	93%	87%	1%	91%	2%	89%	-2%	94%	-1%
CAT	86%	87%	87%	-1%	88%	-1%	89%	-3%	91%	-4%
CEX	87%	90%	86%	1%	88%	2%	92%	-4%	94%	-4%
DED	86%	86%	86%	0%	86%	0%	91%	-5%	92%	-5%
BOE	85%	88%	86%	-1%	87%	1%	92%	-6%	92%	-5%
All	84%	92%	85%	-1%	93%	-1%	87%	-4%	94%	-2%

Decreases in net availability of more than 2.5% are colored red.  
 Increases in net availability of more than 2.5% are colored green.  
 Note that data has been rounded.



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# Comparisons of FY10-Q3 Availability to Last Quarter and Last Year

Dept.	FY10-Q3		Last quarter – FY10-Q2				Last year – FY09-Q3			
	Net	Total	Net	Δ	Total	Δ	Net	Δ	Total	Δ
OMB	88%	97%	90%	-2%	91%	5%	92%	-4%	99%	-3%
CUPF	85%	85%	84%	1%	84%	1%	86%	-1%	87%	-1%
OCP	84%	85%	88%	-4%	89%	-4%	89%	-5%	90%	-5%
HRC	80%	81%	82%	-2%	84%	-3%	86%	-5%	87%	-6%
PIO	89%	91%	86%	4%	86%	5%	92%	-3%	93%	-1%
OEMHS	88%	93%	84%	4%	87%	7%	89%	-1%	91%	2%
CFW	88%	89%	89%	0%	89%	0%	89%	-1%	90%	-1%
IGR	93%	106%	82%	11%	84%	22%	96%	-3%	106%	0%
ECM	90%	90%	89%	1%	89%	1%	94%	-4%	94%	-4%
All	84%	92%	85%	-1%	93%	-1%	87%	-4%	94%	-2%

Decreases in net availability of more than 2.5% are colored red.  
 Increases in net availability of more than 2.5% are colored green.  
 Note that data has been rounded.



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## Recommendations to Enhance Data

- **Capture scheduled holidays**
  - Steps needed: Create special earning type code within payroll
  - Factors affecting implementation: Scheduled holidays are already coded and captured within MCTime, so for most people this change would be transparent
  
- **Capture training hours**
  - Steps needed: Create special earning type code(s) within payroll
  - Factors affecting implementation:
    - There is interest both within OHR and within County leadership to track training hours for other purposes
    - Currently, the ability to identify training hours in payroll data is limited
    - Decisions will have to be made about what exactly will be tracked and how
    - Employees will need guidance about how to use the new earning codes consistently



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## Why Workforce Availability is Important

- **Availability is different than productivity**
  - Productivity is affected by both availability and efficiency
  - These kinds of availability calculations may not be appropriate for some departments or job classes
- **Small changes in availability can have large effects on workload and personnel needs**
  - DOCR has documented the effects of changes in availability on their personnel needs for custody and security of inmates
  - Across all employees, just a 1% increase in availability would add the equivalent of 97.8 positions to the workforce

A 1% increase in availability is only 20.8 hours per person per year.



## Effect of Availability on Personnel Needs

- **DOCR has undertaken two net annual work hours studies to determine the number of staff needed for custody and security of inmates**
  - Study accounted for items such as holidays and training
  - Annual hours needed: 452,493
  - FY06 results: average availability was **78%** (1634 of 2086 hours)
  - FY07 results: average availability was **74%** (1546 of 2086 hours)
- **FY10-Q3 workforce availability utilizing the methodology presented here: 85%**

<b>Workforce availability</b>	<b>Number of staff needed</b>
<b>100% (2086 hours)</b>	<b>217</b>
<b>85% (1773 hours)</b>	<b>256</b>
<b>78% (1634 hours)</b>	<b>277</b>
<b>74% (1546 hours)</b>	<b>293</b>

**Every percent decrease from 90% to 70% availability adds 3-4 personnel and about \$292,854 - \$390,472 in salary and benefits.**



## Effect of Increases in Availability

Number of employees with increase in availability	1% increase (20.8 hours/year)		2% increase (41.6 hours/year)	
	# hours gained	# effective positions gained*	# hours gained	# effective positions gained*
500	10,400	5.9	20,800	11.6
1,000	20,800	11.8	41,600	23.3
3,000	62,400	35.3	124,800	69.8
5,000	104,000	58.8	208,000	116.3
All regular, full-time employees (8,314)	172,931	97.8	345,862	193.3

Assuming an average per person cost of \$80,000 per year in salary and benefits, a 1% increase in availability among 3,000 employees would be worth \$2.8 million in avoided personnel costs.



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## How Availability Can Be Engaged

- **Monitoring of sick leave use and abuse**
- **Reducing disability leave through improving safety and speeding up return to work**
- **Strategically controlling indirectly-related activities**
  - Training: timing of training, in-house vs. out-of-house, etc.
  - Travel: efficiency of routing (where applicable), etc.
  - Meetings
  - Etc.
- **Engaging the topic of employee compensation**
  - For example, 60 hours of comp time for top-of-grade employees
    - 60 hours of additional leave decreases availability by 2.9%
    - 1,022 employees used this kind of comp time so far in FY10
    - Potential hours lost = 61,320 hours = 35.1 positions = \$2.8 million in salary and benefits (at \$80,000 per position)
- **Other**



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## **Are there ways that the effects of position reductions can be mitigated through improving availability?**

- **Who should be responsible for engaging availability?**
- **What is the process for deciding whether and how to engage availability?**
- **Who should be involved in that decision?**
- **What best practices exist for engaging workforce availability?**



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## **How should workforce availability be used within the budget process?**

- **Several departments already use this kind of information as the basis for personnel complement justifications**
  - DOCR
  - MCFRS
  - DOT: Transit
- **Other areas that may have a workload or caseload that can be calculated**
  - HHS
  - DGS: Fleet and facilities maintenance
  - Police
  - Permitting
  - Liquor control
  - Finance: Treasury operations
- **What is the process for deciding how availability should be used in the budget process?**
- **Who should be involved in deciding?**



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## **What is the standard for workforce availability?**

- **Montgomery County has not previously identified a standard**
- **Availability is driven by factors the County can influence**
  - The negotiated agreements and personnel regulations stipulate many of the components that affect availability, particularly leave allowances
  - There are a variety of personnel factors that affect availability
- **What industry standards or best practices exist?**
- **What is the process for defining a standard?**
- **Who should be involved?**



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## Factors Affecting Net Availability

- **Methodology**

- Examined all payroll hours claimed in FY10 by regular employees that were actively employed on 6/9/2010
- Calculated net availability for all employees
- Made comparisons of the average net availability for various groups of employees

- **General findings**

- Position type affects availability
  - Exempt vs. non-exempt
  - MLS vs. non-MLS
- Longer service time is associated with lower availability
- Bargaining unit affiliation affects availability
- Full-time or part-time status does not affect availability



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## Factors Affecting Net Availability

- **Exempt vs. non-exempt status**
  - Average net availability of **exempt** employees: 85.2%
  - Average net availability of **non-exempt** employees: 83.3%
  
- **MLS vs. non-MLS**
  - Average net availability of **MLS** employees: 86.8%
  - Average net availability of **non-MLS** employees: 83.9%
  
- **Full-time vs. part-time status does not affect availability**
  - Average net availability of **full-time** employees: 84.0%
  - Average net availability of **part-time** employees: 84.1%



## Factors Affecting Net Availability

Years of service	0-4	5-9	10-14	15-19	20-24	25+
Average availability	86.2%	83.9%	83.2%	82.5%	82.5%	82.5%

Age range	0 to 24	25 to 34	35 to 44	45 to 54	55 to 64	65+
Average availability	87.5%	84.6%	83.6%	83.9%	84.1%	83.7%

Bargaining Unit	None	IAFF	FOP	MCGEO-OPT	MCGEO-SLT
Average availability	86.8%	81.3%	83.3%	83.7%	83.6%

*Note: All comparisons are made against the overall average availability of 84.0%.  
 Green shading indicates availability that is statistically significantly higher.  
 Red shading indicates availability that is statistically significantly lower.*



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# Wrap-up and Follow-up Items

- **Wrap-up**



## **MFP Committee Questions on MOA with IAFF**

1. For FY11, the Council did not approve pay increases of any type (no general wage adjustments, no service increments, and no increases in any pay differentials). Why does the proposed Memorandum of Agreement restore the increases in the special differentials for CRT, EMT-I and EMT-P which the Council already disapproved?

**The restoration of any previously negotiated differential to members of the IAFF in the course of mandatory negotiations under Section 33-153(p) of the Montgomery County Code was the result of a negotiated settlement and was offered within the context of reaching agreement on a total package. The cost of the restoring the above referenced differentials was offset by the elimination of the FROMS Physiology Program.**

2. Why does the Executive feel it is urgent to restore these pay differential increases? Are CRTs, EMT-Is, or EMT-Ps leaving County employment? Is it difficult to recruit individuals to become certified at these levels? Do you have any unfilled positions for these certifications? Are there other difficulties in attracting or retaining individuals to fill these positions?

**CRTs, EMT-Is and EMT-Ps (ALS providers) are generally not leaving County employment for other higher paying jurisdictions. Rather MCFRS has always strived for a healthy internal recruitment and retention program targeting ALS providers. Unfortunately, this has not always been successful. MCFRS loses ALS providers to promotions or the employee's interest in being an ALS provider abates, with a historical average time of paramedic service about eight to ten years.**

**In addition, due to the opening of new stations and the expansion of ALS service within existing MCFRS resources, the demand for ALS providers is greater than the supply. Currently, we have 18 vacant medic positions.**

**Maintaining all current ALS providers and recruiting incumbents to receive the ALS training is a priority for MCFRS.**

3. How does the County's compensation for CRTs, EMT-Is, and EMT-Ps compare with compensation for these positions in other neighboring jurisdictions? Is the compensation in other nearby Counties creating an incentive for EMS personnel to move to other jurisdictions for better pay or benefits?

**Surrounding jurisdictions pay ALS providers on average anywhere from \$7000 to \$10,000 more than a BLS firefighter. ALS providers**

hired after July 1, 2005 are on a pay scale where they receive a base differential of \$3000 and then an hourly differential for time spent on an ALS transport unit. This hourly differential was scheduled to nearly double July 1, 2010 thus bringing the compensation to comparable levels with ALS providers hired prior to July 1, 2005.

**Surrounding jurisdictions who have recently advertised for Firefighter/Paramedics:**

DC	\$48,731
Fairfax County	\$53,887
Fairfax City	\$48,870 (increases to \$51,674 after ALS internship)
Prince William	\$48,182 (not including hourly riding differential)
Montgomery Co.	\$41,673 (not including hourly riding differential)

4. To what extent are other jurisdictions hiring new personnel at this time?

**Other jurisdictions are cautiously hiring. ALS providers are in high demand causing some jurisdictions to offer lucrative signing bonuses (\$7K in DC).**

5. What is the current status of the random drug and alcohol testing program in MCFRS?

**We currently do not have a random drug testing program in operation.**

6. What would be the impact of suspending the program in FY11 and FY12?

**Random testing will not occur during these years if the program is suspended. The cost of conducting the program will not be incurred. It is important to note that "suspended" may be read to indicate that there is a random testing program in place and we will stop it. However, MCFRS has never implemented a random testing program.**

7. Is a random drug and alcohol testing program required to meet any State or federal requirements regarding safety-sensitive or first responder positions?

**No. Firefighters are exempt from the drug testing requirements imposed by the federal Department of Transportation for CDL's. Other testing requirements remain in place.**

8. Why must any random drug and alcohol testing program after FY12 be negotiated as part of normal term negotiations? Why not just restart the existing random drug and alcohol testing program?

**The need to renegotiate the random alcohol testing was a term of the final agreement. The agreement was negotiated as a total package. The inclusion of this provision was necessary to obtain an agreement between the parties.**

9. Please briefly describe the FROMS Physiology Program.

**The program was created when the County adopted the Wellness Fitness Initiative, and represents the Fitness portion of the initiative. The Fitness program includes the design and implementation of specific fitness activities and exercises that are used by recruits and incumbents on a daily basis. It also includes supervision of ACE Certified Peer Fitness Trainers (PFTs). The PFTs provide advice and guidance to personnel concerning fitness activities, etc. The Fitness program was also designed to provide all personnel with individualized fitness assessments and prescriptions (in conjunction with medical evaluations at FROMS). The Exercise Physiologist worked in the Fitness Program and was responsible for the development and oversight of the program as well as maintaining the inventory of fitness equipment.**

10. What will be the impact of eliminating the program as of August 1?

**MCFRS will no longer have the Exercise Physiologist position and will no longer support the PFTs. The immediate impact will be that our fitness and exercise methods will not be updated. MCFRS will continue to require Recruit Firefighter/Rescuers and incumbents to complete fitness activities. Fitness assessments and fitness prescriptions will no longer be performed.**

11. What will happen to the filled Exercise Physiologist position if the FROMS Physiology Program is eliminated on August 1?

**The position will be eliminated.**

**Drummer, Bob**

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**From:** Adler, Joseph  
**Sent:** Thursday, July 08, 2010 11:24 AM  
**To:** Drummer, Bob  
**Cc:** Lacy, George; Radcliffe, Edward; Milewski, Jeremy  
**Subject:** FW: Questions on MOA with IAFF

Bob  
 FYI

*Joe Adler  
 Director, Office of Human Resources  
 Montgomery County, MD  
 101 Monroe Street 7th Fl  
 Rockville, MD 20850  
 240-777-5100 voice  
 240-777-5162 fax  
 joseph.adler@montgomerycountymd.gov*

-----Original Message-----

**From:** Milewski, Jeremy  
**Sent:** Thursday, July 08, 2010 10:41 AM  
**To:** Adler, Joseph  
**Cc:** Lacy, George  
**Subject:** RE: Questions on MOA with IAFF

Starting salary for a newly hired Paramedic is \$41,613

A paramedic who was hired prior to June 30, 2005 is currently on the following lump sum differential schedule:

0-4 years EMT-P Service	\$5,830/year
5-8 years EMT-P Service	\$6,891/year
8+ years EMT-P Service	\$7,951/year

Increases to this schedule were negotiated to increase to the following:

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

For paramedics hired after July 1, 2005, the following differentials currently apply:

All certified Paramedics receive a \$3,000/year lump sum differential. In addition, these paramedics also receive an hourly differential for all hours they are assigned to a transport unit:

0-4 years certification	\$2.00/hour
5-8 years certification	\$2.50/hour
8+ years certification	\$3.25/hour

Increases to this schedule were negotiated to increase to the following:

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

These hourly differentials are only paid during hours that a paramedic is scheduled to be riding in a transport position. They do not receive the differential during other assignments so the total differential received for paramedics hired after July 1, 2005 varies based upon schedule and assignment.

In regards to the language from the MCVFRA agreement, the reference to the Transportation discount is the

same discount granted to volunteers under section 21-21(g) of the County Code. The language of the agreement grants volunteers the same recreational discounts as career firefighters and places a reference to the transportation discount they already receive into their bargaining agreement. No change was made to the transportation discount

Jeremy Milewski, PHR  
Human Resources Specialist  
Office of Human Resources  
Montgomery County Government  
240-777-5017

-----Original Message-----

**From:** Adler, Joseph  
**Sent:** Wednesday, July 07, 2010 6:33 PM  
**To:** Milewski, Jeremy; Radcliffe, Edward  
**Cc:** Lacy, George; Weisberg, Stuart  
**Subject:** Fw: Questions on MOA with IAFF

Jeremy  
Pls compile the information ASAP  
Thanks

Resolution No: \_\_\_\_\_  
Introduced: July 20, 2010  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**Subject: Collective Bargaining Agreement with Municipal & County Government Employees Organization**

**Background**

1. Section 511 of the County Charter authorizes the County Council to provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of County Government employees.
2. Chapter 33, Article VII of the County Code implements Section 511 of the Charter and provides for collective bargaining by the County Executive with the certified representatives of County employees and for review of the resulting contract by the County Council.
3. The Executive and UFCW Local 1994, Municipal & County Government Employees Organization, have agreed to amend the existing contract scheduled to expire on June 30, 2011 with the amendments attached to this resolution.
4. On June 25, 2010, the Executive submitted to the Council the terms and conditions of the amendments to the existing collective bargaining agreement that require or may require an appropriation of funds, changes in any County law or regulation, or may have a present or future fiscal impact as an out-of-cycle agreement.
5. The Management and Fiscal Policy Committee is scheduled to consider and make recommendations on these amendments at a worksession on July 26, 2010.
6. The County Council has considered these terms and conditions and is required by law to indicate its intent to approve these amendments.

**Action**

*The County Council for Montgomery County, Maryland approves the following resolution:*

The County Council intends to approve funding for a one-time award of **26 hours** of compensatory leave to each bargaining unit member on January 1, 2011. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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Resolution No: \_\_\_\_\_  
Introduced: July 20, 2010  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**Subject: Collective Bargaining Agreement with Fraternal Order of Police**

**Background**

1. Section 510 of the County Charter requires the County Council to provide by law for collective bargaining with binding arbitration with an authorized representative of the County police officers.
2. Chapter 33, Article V of the County Code implements Section 510 of the Charter and provides for collective bargaining with representatives of certain police officers and for review of the resulting agreement by the County Council.
3. The County Executive and the Fraternal Order of Police (FOP) have agreed to enter into a new two-year agreement effective July 1, 2010 through June 30, 2012 incorporating all of the terms of the existing agreement with certain amendments. Those amendments are attached to this Resolution.
4. On June 25, 2010, the County Executive submitted to the County Council the terms and conditions of the collective bargaining agreement that require or may require an appropriation of funds or changes in any County law or regulation as an out-of-cycle agreement.
5. The Management and Fiscal Policy Committee is scheduled to consider the agreement at a worksession on July 26, 2010, and make recommendations at this worksession.
6. The County Council has considered these terms and conditions and is required by law to indicate its intention regarding the appropriation of funds or any legislation or regulations required to implement the agreement.

## Action

*The County Council for Montgomery County, Maryland approves the following resolution:*

The County Council intends to approve the following amendments:

1. a one-time award of **26 hours** of compensatory leave to each bargaining unit member on January 1, 2011. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time. In addition, these compensatory leave hours would not count towards the 80-120 hour maximum that can be rolled over from leave year to leave year;
2. a revised tuition assistance program beginning in FY12 with a maximum cost of \$135,000; and
3. legislation to implement an agreement that furlough hours would not result in a loss of retirement benefits.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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Resolution No: \_\_\_\_\_  
Introduced: July 20, 2010  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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Subject: **Collective Bargaining Agreement with Career Fire Fighters Association**

**Background**

1. Section 510A of the County Charter authorizes the County Council to provide by law for collective bargaining with binding arbitration with authorized representatives of County career fire fighters.
2. Chapter 33, Article X of the County Code implements Section 510A of the Charter and provides for collective bargaining by the County Executive with the certified representatives of the County's fire fighters and for review of the resulting contract by the Council.
3. The Executive and Local 1664, International Association of Fire Fighters, entered into an amendment to the existing agreement effective July 1, 2010 though June 30, 2011. The Memorandum of Agreement is attached to this Resolution.
4. On June 21, 2010, the Executive submitted to the Council the terms and conditions of the out-of-cycle collective bargaining agreement that require or may require an appropriation of funds, changes in County law or regulation, or may have a present or future fiscal impact.
5. The Management and Fiscal Policy Committee is scheduled to consider and make recommendations on the agreement at a worksession scheduled for July 26, 2010.
6. The County Council has considered these terms and conditions and is required by law to indicate its intention to fund or approve any legislation or regulations required to implement the agreement.

**Action**

*The County Council for Montgomery County, Maryland, approves the following resolution:*

The County Council intends to approve funding for the following amendments:

1. on January 1, 2011, a one-time award of **48 hours** of compensatory leave to each bargaining unit member working a 2496-hour work year and a prorated number of compensatory leave hours for each bargaining unit member working a 42-hour or 40-hour work week. This compensatory leave may not be taken when it would require backfilling with overtime and cannot be paid out at any time;
2. an increase of special pay for CRT, EMT-I and EMT-P pay on July 1, 2010 that was previously rejected by the Council in the FY11 Operating Budget approved on May 27, 2010;
3. a suspension of random alcohol and drug testing for FY11 and FY12; and
4. the elimination of the FROMS Physiology Program effective August 1, 2010, except for the \$100,000 budgeted for equipment. This provision would eliminate one filled Grade 27 exercise physiologist position.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Resolution No.: \_\_\_\_\_  
Introduced: July 20, 2010  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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Subject: **Memorandum of Agreement with Volunteer Fire and Rescue Association (MCVFRA)**

**Background**

1. County Code Section 21-6 establishes a process for Local Fire and Rescue Departments (LFRD's) to select an authorized representative to represent their interests, and requires the Fire Chief to negotiate in good faith with the authorized representative on certain issues affecting LFRD's and their volunteers.
2. The LFRD's selected the Montgomery County Volunteer Fire and Rescue Association (MCVFRA) to be their authorized representative.
3. On June 25, 2010, the Council received from the County Executive the attached out-of-cycle Memorandum of Agreement between Montgomery County Government and Montgomery County Volunteer Fire and Rescue Association amending the existing agreement for the period from July 1, 2010 through June 30, 2011.
4. Code Section 21-6(p) requires the Executive to submit to the Council any element of an agreement that requires an appropriation of funds, may have a present or future fiscal impact, is inconsistent with any County law or regulation, or requires the enactment or adoption of any County law or regulation. Section 21-6(q) directs the Council to notify the parties within 60 days if it disapproves an agreement in whole or in part. The Council may by resolution extend the time for action.
6. The Management and Fiscal Policy Committee is scheduled to review and make recommendations on the portions of the Memorandum of Agreement requiring funds for FY11 on July 26, 2010.

**Action**

*The County Council for Montgomery County, Maryland approves the following resolution:*

The County Council approves the following amendments:

1. postpone funding for the previously negotiated increase in the nominal fee, gear bags, turn-out boots, and an MCVFRA vehicle;
2. recognize volunteer participation in the development of policy as provided by County Code Chapter 21; and
3. provide equal discounts on transportation and recreational facilities for active volunteers that the County provides for career fire and rescue employees.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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