

SECTION 14. EMPLOYEE DEVELOPMENT

(As amended October 21, 2008 and December 6, 2011)

14-1. OHR-administered training. The OHR Director administers a centralized employee development and tuition assistance program for County employees to facilitate their professional and personal development.

(a) ***Policy and objectives of OHR-administered training.***

- (1) The objective of the County's employee development program is to enhance the delivery of services to County residents, visitors, and organizations by providing employees with the training necessary to continually improve their job performance and enhance their career potential.
- (2) The CAO, through the OHR Director and department directors, must ensure that employee development opportunities are provided in an equitable manner.
- (3) Employee development activities funded by the County must:
 - (A) be provided by organizations whose primary purpose is educational;
 - (B) be directly related to:
 - (i) the employee's current County work or normal career progression; or
 - (ii) a field of study that will prepare the employee to make a career change within the County; and
 - (C) allow the employee to:
 - (i) obtain education or training towards a certificate, associate degree, baccalaureate degree, or graduate degree; or
 - (ii) take a credit or non-credit course.
- (4) Employees and supervisors are jointly responsible for employee development.

- (5) An employee should:
 - (A) actively improve the employee's job-related competencies and skills;
 - (B) learn and apply the County's philosophy of continuous development; and
 - (C) participate in training designated by the employee's supervisor as necessary for the employee's satisfactory performance of the employee's duties.
- (6) An employee's supervisor must:
 - (A) determine what training the employee should attend, based on:
 - (i) the employee's need for the training;
 - (ii) the availability of appropriate training;
 - (iii) available training funds; and
 - (iv) the employee's workload; and
 - (B) include at least one developmental goal on the employee's *Performance Planning and Evaluation Form* (Appendix G).
- (b) ***Centralized employee development.***
 - (1) The OHR Director must:
 - (A) administer the general training activities for County employees;
 - (B) provide leadership development programs for County managers and supervisors; and,
 - (C) monitor the use and cost of County employee development activities.
 - (2) Many employee development and training needs are generic and can be accommodated effectively and efficiently through a centralized program administered by OHR. The following are examples of employee development and training provided through the centralized program developed and administered by OHR:
 - (A) leadership development (Leadership Institute, advanced seminars);

- (B) supervisory development classes;
- (C) customer service classes;
- (D) professional development classes;
- (E) human resources management classes;
- (F) performance management classes;
- (G) labor relations classes;
- (H) skill development classes (examples: writing and communication);
- (I) core mandatory classes (examples: sexual harassment prevention, and employee performance and conduct);
- (J) information technology classes (examples: desk-top computer software, internet and web software, and core business systems); and,
- (K) self-directed study (examples: computer lab, and the audio and video loan library).

(c) ***Employee tuition assistance.***

- (1) The OHR-administered tuition assistance fund is available to help pay the costs of education or training selected by:
 - (A) County employees; and
 - (B) employees of the State's Attorney's Office (but not the State's Attorney).
- (2) The OHR Director must:
 - (A) administer the County's tuition assistance program and fund; and
 - (B) authorize payment of tuition assistance only for eligible employee educational expenses, up to the following for each request:
 - (i) 100 percent of the cost of the training; or
 - (ii) for a full-time employee, the maximum amount authorized per employee each fiscal year; or

- (iii) for a part-time employee, 50 percent of the maximum amount authorized for a full-time employee.
- (3) The total amount of funding available annually for tuition assistance is proposed by the County Executive and appropriated by the County Council.
- (4) The OHR Director must establish the amount of annual tuition assistance for an employee who is not a member of a bargaining unit. Funding for represented employees is determined through collective bargaining with the designated employee representatives.
- (5) Employee tuition assistance is available to employees with merit system status on a first-come, first-served basis until all funding for the fiscal year has been obligated. Once the tuition assistance funds are depleted for the fiscal year, tuition assistance is not available until the next year.
- (6) The OHR Director may approve the use of OHR-administered tuition assistance for an employee currently enrolled in a degree program at an accredited (as determined by an accrediting agency recognized by the U.S. Secretary of Education) college or university, or vocational or business school to pay for a course for which the employee receives credit toward a degree in a field of study:
 - (A) related to the employee's current County job functions or career ladder in the same job series or profession; or
 - (B) that will prepare the employee to make a career change to another position within the Montgomery County Government.
- (7) The OHR Director may approve the use of OHR-administered tuition assistance funds for employees who are not enrolled in degree programs only when the training or education directly relates to the employee's current job functions or career ladder in the same job series or profession. Such training or education must be provided by an accredited (as determined by an accrediting agency recognized by the U.S. Secretary of Education):
 - (A) college or university;
 - (B) vocational or business school;
 - (C) professional, scientific, or technical institute; or
 - (D) organization or component of an organization, including a government agency or business, that offers courses or training.

- (8) The following are acceptable educational objectives that an employee may pursue with tuition assistance funding, if the training or education meets the requirements of (6) and (7) above:
 - (A) education or training to obtain a certificate, associate degree, baccalaureate degree, or graduate degree; or
 - (B) a credit course, non-credit course, or seminar.

- (9) Only the cost of tuition is covered by tuition assistance.
- (10) The following do not qualify for tuition assistance:
 - (A) credit courses taken on an audit (i.e., no grade) basis;
 - (B) books, supplies, and application fees, or extra fees such as late registration or library book returns, parking, travel, food, lodging, and other costs incidental to the credit courses;
 - (C) if the tuition assistance benefit would duplicate benefits received for the same educational activity under other programs such as scholarships, veterans benefits, and the Maryland State Fire Association;
 - (D) credit by examination courses;
 - (E) examination fees;
 - (F) courses taken outside the United States; and
 - (G) courses which are primarily recreational, or utilize a specific faith-based method as a primary approach to problem solving or treatment.
- (11) An employee receiving tuition assistance must participate in the educational activity:
 - (A) during the employee's off-duty hours; or
 - (B) on approved leave, other than administrative leave or Professional Improvement Leave (PIL).
- (12) An employee receiving tuition assistance must complete the course(s) with a passing grade. Otherwise, the employee must reimburse the County for the amount of the County's tuition assistance. Final grades must be provided to OHR upon completion of the course.
- (13) An employee who receives tuition assistance must agree to remain a County employee for at least one year after completing the course. If the employee does not remain employed by the County for the entire one-year period, the employee must repay a prorated amount of the tuition assistance. The tuition assistance does not have to be repaid if the employee dies or retires on a County disability retirement. The OHR Director may waive repayment of tuition assistance in other extenuating circumstances.

- (14) The OHR Director may approve tuition assistance for a probationary employee. The OHR Director must not give tuition assistance to the employee until the employee:

- (A) pays the tuition;
 - (B) attains merit system status; and
 - (C) provides evidence of successful course completion.
- (15) An employee must receive written approval from a department director prior to submitting a tuition assistance request to OHR for review.
- (16) Subject to (17) below, an employee whose request for tuition assistance is not approved may file a grievance under Section 34. The employee must show that the action was arbitrary and capricious.
- (17) The denial by OHR of an employee request for tuition assistance on the basis that all tuition assistance funds for the year have been allocated is not grievable.

14-2. Department employee development.

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

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

- (4) A department's familiarity with its employees enables it to determine the specific types of training that employees need to accomplish their essential job functions.
- (b) ***Approval criteria.*** Department-funded training is subject to the conditions summarized in the table below:

Approval Criteria for Department-Funded Training		
Amount funded per fiscal year	Recommendation and approval required	Required employee commitment
\$200 or less	Approval: immediate supervisor	<ul style="list-style-type: none"> • Successful completion of training
\$201 – 3,000	Approval: Immediate supervisor	<ul style="list-style-type: none"> • Successful completion of training • Remain a County employee for 1 year after completion
\$3,001 – 6,000	Recommendation: Immediate supervisor Approval: Department director	<ul style="list-style-type: none"> • Successful completion of training • Remain a County employee for 2 years after completion
\$6,001 - \$9,000 (maximum)	Recommendation: Department director Approval: CAO	<ul style="list-style-type: none"> • Successful completion of training • Remain a County employee for 3 years after completion

- (c) **Limitations.** Department-funded training may cover all necessary related expenses, including tuition and fees, is subject to budget limitations, and the following:
- (1) the employee's immediate supervisor must approve training with a total cost of \$3,000 or less during a fiscal year;
 - (2) the employee's supervisor must recommend and the employee's department director must approve training with a total cost of \$3,001 through \$6,000 during a fiscal year; and
 - (3) the employee's department director must recommend and the CAO must approve training with a total cost of \$6,001 up to a maximum of \$9,000 during a fiscal year.
- (d) **Obligations of employee who receives department-funded training.** An employee who receives department-funded training of more than \$200 and up to and including \$9,000 in a fiscal year for tuition and other costs directly related to training must:
- (1) successfully complete the course or reimburse the County for all costs paid by the County; and

- (2) agree to remain a County employee for the period indicated in the table in Section 14-2(b) above or repay a prorated amount of the tuition and related costs to the County.
- (e) ***Obligations of employee who receives department-funded training required by the department.*** If the department directs the employee to take the training, the employee:
 - (1) is required to successfully complete the course or reimburse the County for all costs paid by the County;
 - (2) is not required to remain a County employee for the period indicated in the table in Section 14-2(b) above or repay a prorated amount of the tuition and related costs to the County.
- (f) ***Responsibilities of OHR Director.*** The OHR Director may waive repayment of up to \$9,000 of department-funded training per employee in a fiscal year for reasons deemed appropriate.
- (g) ***Use of department funds to pay for college tuition.*** A department director may approve the use of department funds to pay for an employee's college tuition subject to the limitations in Section 14-1(c)(7), (8), (9), and (10).
- (h) ***Responsibilities of department director.*** A department director must:
 - (1) determine the department's employee development requirements and budget for those activities, including:
 - (A) courses conducted by colleges or universities, professional associations, and approved learning centers and vendors;
 - (B) conferences and seminars;
 - (C) apprenticeship or work/study programs for occupations critical to the department, with the prior approval of the OHR director; and
 - (D) in-house training opportunities;
 - (2) administer the department's employee development program under the following guidelines established by OHR to ensure that:
 - (A) employee participation in developmental activities will contribute to the County or department mission;
 - (B) employees are selected to participate in developmental activities in an equitable and objective manner; and

- (C) the department maintains data to respond to OHR reporting requirements on the use and cost of employee development.
- (i) ***Responsibilities of managers and supervisors.*** Managers and supervisors must:
 - (1) identify the developmental needs of their employees, require employees to attend training necessary for the employees to perform their duties, and take into consideration the employee's career development goals;
 - (2) approve the employee's participation at required training;
 - (3) schedule the employee's attendance at required training activities during the employee's regularly scheduled work time, if possible;
 - (4) authorize or recommend the payment by the department of all costs for required training; and,
- (j) ***Scheduling of employee training.*** If a supervisor cannot schedule training during the employee's regularly scheduled work time, the supervisor and employee may agree to alter the employee's schedule to accommodate the training. The department director must compensate a non-exempt employee who is required to attend training during non-work time under the FLSA and Section 10 of these Regulations.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to training
Firefighter/Rescuer	14, Overtime 22, Prevailing Rights 28, Transfers 29, Promotions 35, Health and Safety 36, Shift Staffing 37, Training Requirement 48, Job Sharing Program
OPT/SLT	9, Working Conditions 21, Benefits 22, Transfer 29, Labor Management Relations Committee (LMRC) 31, Maintenance of Standards 34, Ergonomics Appendix VII, Reasonable Accommodation
Police	15, Hours and Working Conditions 22, Professional Improvement Leave 25, Transfer 30, Uniforms and Equipment 39, Tuition Assistance 53, Performance Evaluation 55, Job Sharing program 60, Career Development Study Committee 62, Sergeants