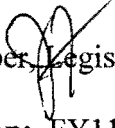


MEMORANDUM

April 27, 2010

TO: Management and Fiscal Policy Committee

FROM: Justina Ferber  Legislative Analyst

SUBJECT: **Worksession: FY11 Operating Budget**
Office of Human Resources (General Fund, Excluding Compensation)

Those expected for this worksession:

Joseph Adler, Director, Office of Human Resources (OHR)
Kaye Beckley, Manager, Business Operations and Performance Division, OHR
George Addae-Mintah, Manager, Classification and Administration, OHR
Lori O'Brien, Management and Budget Specialist, OMB

The Executive's recommendation for the Office of Human Resources (OHR) budget is attached at ©1-8 and can be found on pages 32-1 to 32-8 of the budget.

Overview

This packet addresses the general fund portion of OHR's budget. Compensation and benefits, including the Employee Health Benefit Self-Insurance Fund, are addressed by the Council Staff Director in a separate packet. The Executive's recommended budget for the General Fund portion of the OHR budget is \$5,642,840, a -33.8% reduction from the approved FY10 budget of \$8,522,410. Some reductions are attributable to shifts and lapses in positions.

	FY09 Actual	FY10 Approved	FY11 CE Recommended	% Change FY10-FY11
Expenditures:				
General Fund	\$8,759,640	\$8,522,410	\$5,642,840	-33.8%
Positions:				
Full-time	80	80	71	11.3%
Part-time	4	6	6	0.0%
TOTAL Positions	84	86	77	2.4%
WORKYEARS	46.6	45.6	32.7	-28.3%

Productivity improvements and accomplishments are listed on pages 32-1 and 32-2 of the budget.

The County Executive's recommendation for the FY11 OHR budget is a reduction of \$2,879,570 from FY10. The reduction is a result of many factors including the shift of the Equal Employment Opportunity and Diversity Division to the Office of Human Rights, suspension of the Tuition Assistance program for FY11, lapsed positions, and decreases in various operating expenditures and contracts. Furlough days account for the reduction of \$221,210 and 1.7 workyears.

OHR underwent a department-wide reorganization during FY09 and is subject to a minor reorganization in FY11 with the shift of the EEO.

The budget identifies two items as changes *with service impacts*; the remainder of reductions, \$1,973,600 - some 40 items - are identified as changes *with no service impacts*.

Changes with Service Impacts	
Eliminate Tuition Assistance Shift	(\$835,000)
Reduce Psychologist Position Assigned to Stress Management Program to part-time	(\$70,970)
Changes with Service Impacts TOTAL:	(\$905,970)

Major changes listed below by Council staff are discussed division by division in this packet –

- Business Operations and Performance: Suspension of Classification studies
- Change Management, Training, and Organizational Development: Elimination of \$835,000 for the FY11 tuition assistance program.
- Equal Employment Opportunity and Diversity: Shift EEO operations to Office of Human Rights.
- Occupational Medical Services: Reduce Psychologist Position assigned to Stress Management Program.

Another issue is the multilingual pay differential for employees which was discussed during FY10 budget deliberations.

FY11 Expenditure Issues by Division

Director's Office: Responsible for human resources policy development and planning, administration of human resources programs and customer service.

Adjustments in this division relate to reductions in operating expenditures to decrease expenses.

Director's Office	
FY10 Expenditures \$716,830	FY10 3.8 Workyears
FY11 Expenditures \$722,460	FY11 3.5 Workyears
-\$2,000	Reduce Misc. Food/Beverage Expenditures
-\$49,720	Reduce Paper, Mail, Printing and other Misc. operating expenditures – <i>Countywide paper reduction goal – will go online for most personnel services</i>
-\$15,840	Printing and Mail Adjustment - <i>reduction of printing & mail costs beyond County goal</i>
-\$21,800	Reduce Other Education, Tuition and Training – <i>these reduction affect OHR employees only</i>
\$94,990; -0.3 wy	Miscellaneous adjustments – <i>adjustments are included for this division and for other adjustments that do not fit within another OHR division</i>

Business Operations and Performance: Comprised of the Classification, Compensation, Records Management, and Administration teams to ensure employees are appropriately compensated and provides records management.

Although most adjustments are for operating costs reductions, there is the abolishment of 1.0 workyear related to ePAF and the reduction of 1.0 workyear for lapse related to the suspension of Classification studies. The suspension of classification studies does not mean classification studies will cease, but they will be conducted and concluded at a slower pace and no consultants will assist OHR. Contractor costs for the Gainsharing program have been reduced by \$100,000; however, funds carried over from FY10 will help fund the program.

Business Operations and Performance	
FY10 Expenditures \$2,024,020	FY10 15.5 Workyears
FY11 Expenditures \$1,500,320	FY11 13.1 Workyears
-\$8,560; -0.2 wy	Abolish Data Entry Operator Position – <i>this position is abolished and 0.2 wy is in the General Fund</i>
-\$30,490; -0.3 wy	Shift Administrative Specialist III to ERP for 6 months – <i>this position will train in the ERP system and then implement in OHR</i>
-\$39,950; -0.7 wy	Abolish Imaging Operator I position w/ ePAF
-\$50,000	Decrease cost of ePAF Development - <i>ePAF development suspended due to ERP</i>
-\$50,000	Reduce Unified Data Modeler Support Contractor Cost – <i>this system connected and standardized info in all OHR systems (payroll, benefits, etc); development is suspended in anticipation of ERP and OHR staff will pick up some of the work</i>
-\$57,800	Suspend Classification studies – <i>studies will be conducted at a slower pace w/ no consultants</i>
-\$97,630; -1.0 wy	Lapse Human Resources Specialist II Pos Assigned to Planning and Conducting Classification studies – <i>vacant position</i>
-\$100,000	Decrease cost Gainsharing support contractor costs – <i>delay in implementation of program and some funds for the contract carried over from FY10 to FY11</i>
-\$89,270; -0.2 wy	Miscellaneous adjustments

Change Management, Training, and Organizational Development: Administers a centralized workforce development and change management program that recognizes employee's contributions, develops leadership competencies and facilitates professional and personal development and improved organizational effectiveness.

The major change in this division is the elimination of \$835,000 for the FY11 tuition assistance program.

Change Management, Training, and Organizational Development	
FY10 Expenditures \$1,698,910	FY10 6.1 Workyears
FY11 Expenditures \$649,540	FY11 5.4 Workyears
- \$6,000	Reduce employee awards – <i>expenses reduced for recognition awards for of 5, 10, 20, etc. years of County service</i>
- \$20,000	Reduce computer training expenditures – <i>for all County employees</i>
- \$29,500	Reduce Leadership Management Training Expenditures – <i>reduce costs of room rental; supplies, trainers – moving toward computer based training</i>
- \$46,870	Reduce Professional/Licensure Training Expenditures- <i>a change in the law altered therapists certification requirements; as additional staff is certified, demands for training costs decrease</i>
- \$47,730; -0.5 wy	Lapse Human resources Specialist II for Development and Administration of Training Programs – <i>vacant position</i>
- \$835,000	Eliminate Tuition Assistance – <i>funds for TAP are eliminated for FY11</i>
- \$64,270; -0.2 wy	Miscellaneous adjustments

Selection and Recruitment: Responsible for attracting, hiring, and promoting the County workforce.

The major changes in this division relate to the abolishment of 1.0 workyear and the lapse of another 1.0 workyear related to recruitment strategies.

Selection and Recruitment	
FY10 Expenditures \$1,383,310	FY10 9.4 Workyears
FY11 Expenditures \$926,640	FY11 5.8 Workyears
- \$29,500; -0.3 wy	Shift Human Resources Specialist III Pos - <i>– this position will train in the ERP system and then implement in OHR</i>
- \$31,400	Reduce advertising expenditures - <i>recruitment is down due to downsizing of County workforce</i>
- \$70,000	Reduce PeopleClick Enhancements – <i>enhancements suspended due to ERP implementation</i>

Selection and Recruitment continued	
- \$73,070; 1.0 wy	Lapse Human Resources Specialist III for Development and Implementation of Recruitment Strategies – <i>vacant position - recruitment is down due to downsizing of workforce</i>
- \$160,810; -1.0 wy	Abolish Human Resources Specialist III for Development of Recruitment Strategy - <i>recruitment is down due to downsizing of County workforce</i>
- \$91,890; -1.3 wy	Miscellaneous adjustments - <i>Includes the transfer of a Human Resources Specialist to Labor and Employee Relations</i>

Labor and Employee Relations: Negotiates collective bargaining agreements on behalf of the County Executive and provides early intervention strategies in workplace disputes.

The major change in this division is the abolishment of a Human Resources Specialist III position assigned to the administration of the County's Grievance Procedure

Labor and Employee Relations	
FY10 Expenditures \$973,750	FY10 5.8 Workyears
FY11 Expenditures \$900,240	FY11 5.4 Workyears
- \$20,070	Reduce Misc. Operating expenses – <i>reduce training and negotiating expenses</i>
- \$34,260; -0.3 wy	Lapse Manager II position for 0.25 wy – <i>vacant position</i>
- \$41,000	Reduce Arbitration Services Expenditures – <i>free federal mediation services available</i>
- \$128,830; -1.0 wy	Abolish Human Resources Specialist III Assigned to the administration of the County's Grievance Procedure – <i>duties will be reassigned to other staff</i>
\$150,650; 0.9 wy	Miscellaneous adjustments – <i>internal shift of staff to labor division</i>

Equal Employment Opportunity and Diversity: Investigates complaints of harassment and discrimination by and against employees and conducts mandatory and requested EEO training.

The major change in this division is the shift of the entire EEO operations to the Office of Human Rights. The Executive has proposed shifting the EEO Program from the Office of Human Resources to the Office of Human Rights, which involves the transfer of \$386,810 and three positions – a Manager II and two Human Resource Specialists. The transfer of a function currently performed by the Office of Human Resources to the County Attorney's office is tied to the EEO program shift and would result in a \$44,200 transfer of funds from the Office of Human Rights.

This shift cannot take place without amending the County Code. Expedited Bill 12-10, Human Rights – Equal Employment Opportunity Program, was introduced on March 23; Council public hearing was April 20, and the HHS Committee worksession on the Bill and the Human Rights Commission budget is scheduled for April 28. Senior Legislative Attorney Drummer’s worksession packet discusses the relative merits of the proposed program transfer. A list of questions asked by Council staff with Executive staff responses are attached at ©10 and ©15.

Council staff highlights the following issues related to the transfer:

- Council staff disagrees with the Executive’s attribution of savings to this transfer. The three employees being transferred come with a full workload and perform a core human resources function. In addition, many of the functions of positions recommended for abolishment in Human Rights will be absorbed by existing Human Rights staff not the EEO unit.
- The investigation and resolution of discrimination complaints before they result in litigation is a core function of the Office of Human Resources. Combining internal and external investigatory functions in the Office of Human Rights may be confusing to employees and may result in lower numbers of complaints resolved internally.
- The transfer of the EEO unit may weaken the perception that the EEO and Diversity Management is important to County management.
- It is appropriate to transfer the development of responses to EEO complaints filed with outside agencies from the EEO unit to the County Attorney’s Office to maintain the perception of the EEO unit as a fair and independent investigator of internal complaints.

Council staff understands that the reductions in the EEO division would take place even if the shift did not occur. Staff believes there is no major cost savings associated with the shift. Senior Legislative Attorney Drummer recommends against the enactment of Bill 12-10. Staff believes that EEO and Diversity Management are core Human Resources functions that should remain in OHR and agrees with the transfer of responses to EEO complaints filed with outside agencies to the County Attorney’s Office. (The County Attorney’s office would require a shift of funding from OHR of \$44,200 to defend EEO complaints.) The outcome of the April 28 HHS Committee discussions will be known by the time this packet is discussed.

Equal Employment Opportunity and Diversity:	
FY10 Expenditures \$418,750	FY10 3.8 Workyears
FY11 Expenditures Shift \$	FY11 Shift Workyears
-\$386,810; -3.0 wy	Shift Equal Employment Opportunity and Diversity to Human Rights Commission – requires amendments to the County Code
-\$1,250	Reduce education, tuition and training expenditures – of EEO employees
-\$2,000	Reduce job fairs and career days expenditures <i>reduces funding for job fairs and career days to \$5000</i>
-\$58,000; -1.0 wy	Abolish Principal Administrative Aide assigned to EEO team
\$29,310; 0.2 wy	Miscellaneous adjustments

Benefits and Information Management: Manages the County group insurance and retirement benefit programs and OHR's technology efforts.

The major change in this budget is the increase in costs for claims and carrier administration.

Benefits and Information Management	
FY10 Expenditures \$173,708,560	FY10 9.0 Workyears
FY11 Expenditures \$186,921,230	FY11 8.6 Workyears
\$13,280,350	Increase cost in claims and carrier – actuary predicts health claims will go up
\$13,480; 0.2 wy	Shift Senior Information Technology position from General Fund to Employee health Benefit Self Insurance Fund – change in allocation for Sr. IT Tech to GF from 80% to 65%
-\$39,370; -0.4 wy	Shift 2 Senior Information Technology positions from General Fund to Employee Retirement System - 2 Sr. IT Techs absorbing Benefits and Retirement System work of IT Manager detailed to ERP
-\$53,790; -0.5 wy	Lapse (backfill) Manager III position currently assigned to ERP – <i>lapse of position which was filling in for position detailed to ERP</i>
\$12,000; 0.3 wy	Miscellaneous adjustments

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

The major changes in Occupational Medical Services relate to the reduction of a part-time psychologist position assigned to the Stress Management Program and elimination of the “Wellness” contract with Health Solutions. The “Wellness” contract provided health screenings and literature for employees. OHR believes a part-time psychologist will be adequate for the Stress Management program and the Employees Assistance Program will be used as backup.

Occupational Medical Services	
FY10 Expenditures \$1,899,100	FY10 4.0 Workyears
FY11 Expenditures \$1,397,270	FY11 2.4 Workyears
-\$9,450	Decrease flu shots expenditures - to reflect projected use
-\$16,600; -0.3 wy	Shift 30% of cost of administrative position to Employee Retirement System Fund – recommendation resulting from disability retirement reform evaluation
-\$39,000; -0.7 wy	Abolish Administrative Specialist I position – <i>vacant position</i>

Occupational Medical Services continued	
-\$70,970; -0.5	Reduce Psychologist Position assigned to Stress Management Program – <i>convert psychologist position to part-time – will use EAP if workload over capacity</i>
-\$148,070	Annualization of FY10 Savings from Single OMS fixed price contract for Physician Services – <i>contract savings extended into FY11 when two contracts were combined in FY10 for efficiencies</i>
-\$186,210	Eliminate Wellness contract with Health Solutions – Provides health screenings and literature
-\$31,530; -0.1 wy	Miscellaneous adjustments

Chargebacks

The recommended OHR operating budget does not include a total of \$3,415,940 and 12.5 workyears that are charged to other accounts. The previous table shows a breakout of chargeback totals. The funding and workyears that are charged back are included in the respective receiving departments' budgets.

FY11 CE Recommended Chargebacks

Chargebacks	Total Funds	Workyears
CIP	\$1,057,550	8.4
Fire and Rescue Service	\$1,502,310	1.2
Motor Pool	\$71,320	0.1
Health and Human Services	\$74,720	0.1
Liquor Control	\$56,040	0.1
Bethesda Parking District	\$4,340	0
Montg. Hills Parking District	\$80	0
Silver Spring Parking District	\$5,070	0
Wheaton Parking District	\$700	0
Permitting Services	\$8,490	0
Police	\$243,040	2
Recreation	\$49,250	0.1
Solid Waste Collection	\$250	0
Solid Waste Disposal	\$2,040	0
Mass Transit	\$336,250	0.5
Vacuum Leaf Collection	\$1,100	0
Bethesda Urban District	\$60	0
Silver Spring Urban District	\$2,050	0
Wheaton Urban District	\$1,280	0
Total:	\$3,415,940	12.5

Multilingual Pay Differential

Staff has identified the multilingual pay differential as a potential reduction. The Council could suspend the multilingual pay differential benefit for a savings of approximately \$995,330 for FY11. Consideration should be given to restructuring multilingual pay during the suspension. The multilingual pay differential is a bargained benefit; and if the Council decides not to fund the pay differential, it becomes a collective bargaining issue. The amount of the differential varies by bargaining group.

The County's Personnel Regulations¹ provide a multilingual pay differential to employees who are fluent in English and: (1) are certified by OHR as having basic or advanced multilingual skills; (b) are assigned to a position designated for a multilingual pay differential or who fill a general department need for specific language skills; and (c) actually provide or are available to provide multilingual services in the course of employment. Relevant sections of County regulations are attached beginning at ©19. The pay differential amount is specified in Montgomery County's collective bargaining agreements with MCGEO, FOP, and the IAFF. Unrepresented employees are also eligible for the pay differential.

Multilingual Pay Differential by Employee Group²

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

*There is a recently bargained new Expert Level multi-lingual pay differential for members of the FOP. However, there is no assumption of additional cost in FY11 because the program has yet to be established. Officers certified at the Expert skill level for interrogations and investigations will receive three dollars per hour for all hours actually worked.

The multilingual pay differential is paid for all hours worked, regardless of whether the employee actually uses the language while working. Each employee who is certified to receive multilingual pay receives from \$2,080 to \$4,160 in additional salary each year. The Executive's FY11 Recommended Operating Budget includes approximately \$995,330 for the multilingual differential across nine different departments (this includes \$18,000 budgeted as multilingual overtime pay in the Police Department). The following table lists the recommended funding totals for each department.

¹ COMCOR 33.07.01.10-9(c)

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

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

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

FY11 Recommended Budget for Multilingual Pay Differential by Department

	Multilingual Pay
Department of Health & Human Services	\$373,239
Department of Police	\$276,040
Department of Technology Services	\$157,398
Department of Correction & Rehabilitation	\$95,365
Department of Public Libraries	\$61,268
Department of Recreation	\$15,380
County Executive's Office	\$10,800
Commission for Women	\$3,442
Community Use of Public Facilities	\$2,398
Total	\$995,330

Suspending the program for a year would save money (without an associated loss in County jobs) while allowing time to explore options such as: providing the differential only for time spent using other languages; limiting eligibility for the differential to selected job classifications and/or departments; or limiting the languages eligible for certification. Restructuring the County's multilingual pay differential will assure that employees are compensated for their language skills and County funds are used most judiciously.

Council Staff Recommendation

- Council staff recommends the Committee suspend the multilingual pay differential for FY11 while the structure of the benefit is reevaluated.
- With the exception of the shift of EEO to HRC, Council staff supports the remainder of the OHR recommended FY11 budget as submitted by the Executive.

This Packet Contains:

FY09 Recommended Budget: OHR
 Recommended Workforce Reductions Report
 Bill 12-10 worksession memo
 Staff Questions Re: Bill 12-10, Shift of EEO to HRC
 COMCOR – Multilingual Pay Regulations
 MCGEO Multilingual Pay Provisions
 FOP Multilingual Pay Provisions
 IAFF Multilingual Pay Provisions

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Human Resources

MISSION STATEMENT

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

Inter-departmental Transfer

In July 2010, the Equal Employment Opportunity and Diversity Management Division of Human Resources will be merged with the Office of Human Rights to consolidate two units of County Government with similar missions.

BUDGET OVERVIEW

The total recommended FY11 Operating Budget for the Office of Human Resources is \$193,017,700, an increase of \$10,194,470 or 5.6 percent from the FY10 Approved Budget of \$182,823,230. Personnel Costs comprise 2.5 percent of the budget for 71 full-time positions and six part-time positions for 44.2 workyears. Operating Expenses account for the remaining 97.5 percent of the FY11 budget.

In the budget summary, FY09 actuals, FY10 budget, and FY10 estimate figures reflect the old organizational structure of Human Resources, while the FY11 budget figures reflect the new organizational structure.

LINKAGE TO COUNTY RESULT AREAS

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

❖ *A Responsive, Accountable County Government*

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY10 estimates incorporate the effect of the FY10 savings plan. The FY11 and FY12 targets assume the recommended FY11 budget and FY12 funding for comparable service levels.

Measure	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Multi-Program Measures					
Average customer satisfaction rating on the yearly internal customer survey of County managers ¹	2.73	2.75	2.80	2.83	2.83
Percentage of grievances resolved before reaching third party neutral	89	93	93	93	93
Percentage of separating employees satisfied with compensation and benefits	98.5	98.5	99	99	99
Employee turnover as a percentage of total workforce	6.6	6.7	6.8	6.8	6.8

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

ACCOMPLISHMENTS AND INITIATIVES

- ❖ *Implemented the Montgomery County QUEST Intern Partnership, a collaborative initiative with the Department of Health and Human Services and the Maryland State Department of Education Division of Rehabilitative Services (DORS) to provide experience and job skill development internships for persons with disabilities.*
- ❖ *Partnered with Montgomery College, Montgomery County Public Schools, and the Commission for Women to provide training programs at costs below the national training industry standards.*
- ❖ *Offered computer-based training to 2,941 employees and classroom training to 14,142 employees in 672 programs.*
- ❖ *Opened new UpCounty Office of Human Resources Training Facility including a training room to accommodate 70 individuals and a computer training lab which accommodates 18 students.*
- ❖ *Successfully implemented a new retirement plan option – the Guaranteed Retirement Income Plan (GRIP). Approximately 1,000 employees enrolled in the plan.*

- ❖ **Worked collaboratively with the County Council, unions, and other stakeholders to amend the disability retirement provisions of the County Code to improve the adjudication of disability applications, provide for more comprehensive medical reviews, and to begin regular reviews of the status of current disability retirees.**

❖ **Productivity Improvements**

- **Consolidated two Occupational Medical Services Professional Physician contracts into a single fixed-price contract, which will save approximately \$1.2 million annually.**
- **Rolled out ePAF (Electronic Personnel Action Form) to all County departments except Public Safety, resulting in improved tracking of personnel actions and reductions in processing errors.**
- **Redesigned and streamlined the health plan open enrollment communication process by introducing a branded look to written and online communications and improving content and navigation of the open enrollment web application.**

PROGRAM CONTACTS

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

PROGRAM DESCRIPTIONS

Director's Office

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	716,830	3.8
Decrease Cost: Reduce Miscellaneous Food/Beverage Expenditures	-2,000	0.0
Decrease Cost: Printing and Mail Adjustment	-15,840	0.0
Decrease Cost: Reduce Other Education, Tuition, & Training Expenditures	-21,800	0.0
Decrease Cost: Reduce Paper, Mail, Printing, and Other Miscellaneous Operating Expenditures	-49,720	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	94,990	-0.3
FY11 CE Recommended	722,460	3.5

Business Operations and Performance

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

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

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	2,024,020	15.5
Decrease Cost: Abolish Data Entry Operator Position	-8,560	-0.2

	Expenditures	WYs
Shift: Administrative Specialist III to CIP/ERP for Six Months	-30,490	-0.3
Decrease Cost: Abolish Imaging Operator I Position Working With ePAF	-39,950	-0.7
Decrease Cost: ePAF Development	-50,000	0.0
Decrease Cost: Reduce Unified Data Modeler (UDM) Support Contractor Cost	-50,000	0.0
Decrease Cost: Suspend Classification Studies	-57,800	0.0
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to Planning and Conducting Classification Studies	-97,630	-1.0
Decrease Cost: Gainsharing Support Contractor Costs	-100,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-89,270	-0.2
FY11 CE Recommended	1,500,320	13.1

Change Management, Training, and Organizational Development

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

Program Performance Measures	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Customer satisfaction with training: Percentage who found training helpful to job	91	86	86	86	86
Customer satisfaction with training: Percentage who found training helpful to professional development	90	87	87	87	87

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	1,698,910	6.1
Decrease Cost: Reduce Employee Awards	-6,000	0.0
Decrease Cost: Reduce Computer Training Expenditures	-20,000	0.0
Decrease Cost: Reduce Leadership/Management Training Expenditures	-29,500	0.0
Decrease Cost: Reduce Outside Professional/Licensure Training Expenditures	-46,870	0.0
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to the Development and Administration of Training Programs	-47,730	-0.5
Eliminate: Tuition Assistance	-835,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-64,270	-0.2
FY11 CE Recommended	649,540	5.4

Selection and Recruitment

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

Program Performance Measures	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Average number of days to fill a vacant County position	47	90	90	90	90
Average satisfaction of departments with pools of candidates for positions, based on a survey of hiring managers ¹	4.0	4.3	4.3	4.3	4.3

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	1,383,310	9.4
Shift: Human Resources Specialist III to CIP/ERP for Six Months	-29,500	-0.3
Decrease Cost: Reduce Advertising Expenditures	-31,400	0.0
Decrease Cost: Reduce PeopleClick Enhancements	-70,000	0.0

	Expenditures	WYs
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to the Development and Implementation of Recruitment Strategies	-73,070	-1.0
Decrease Cost: Abolish HR Specialist III Position Assigned to the Development of Recruitment Strategy	-160,810	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-91,890	-1.0
FY11 CE Recommended	926,640	5.8

Notes: Miscellaneous adjustments includes the transfer of a Human Resources Specialist from Selection and Recruitment into Labor and Employee Relations.

Labor and Employee Relations

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	973,750	5.8
Decrease Cost: Reduce Miscellaneous Operating Expenses	-20,070	0.0
Decrease Cost: Lapse Manager II Position for 0.25 Work Years	-34,260	-0.3
Decrease Cost: Reduce Arbitration Services Expenditures	-41,000	0.0
Decrease Cost: Abolish HR Specialist III Position Assigned to the Administration of the County's Grievance Procedure	-128,830	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	150,650	0.9
FY11 CE Recommended	900,240	5.4

Notes: Miscellaneous adjustments includes the transfer of a Human Resources Specialist from Selection and Recruitment into Labor and Employee Relations.

Equal Employment Opportunity and Diversity

The Equal Employment Opportunity (EEO) and Diversity Management team provides assistance, guidance, and training to employees and managers concerning equal employment and diversity management in order to promote a discrimination free workplace that values diversity. The team also investigates complaints of harassment and discrimination by and against employees. Additional services and programs include the mediation program, EEO compliance training, workplace harassment training, and the annual Montgomery County Diversity celebration. This program also supports the Montgomery County Diversity Council and participates in the ADA Task Force, Community Outreach Forum, Limited English Proficiency Committee, Diversity Health Fair, Diversity Educational Fair, the Juneteenth Program, Black History Month program, and co-sponsors events with the various employee organizations. The team is responsible for the production of the annual EEO and Diversity Action Plan and complying with other Federal EEO-related reporting requirements and statistical analysis. In an inter-departmental reorganization, the EEO and Diversity Management team will be relocating to The Human Rights Commission in FY11.

Program Performance Measures	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Number of County job groups in which minorities are underrepresented ¹	39	38	36	36	36

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	418,750	3.8
Decrease Cost: Reduce Education, Tuition, & Training Expenditures	-1,250	0.0
Decrease Cost: Reduce Job Fairs/Career Days Expenditures	-2,000	0.0
Decrease Cost: Abolish Principal Administrative Aide Position Assigned to Equal Employment Opportunity and Diversity Management Team	-58,000	-1.0
Shift: Equal Employment Opportunity and Diversity Management to Human Rights Commission	-386,810	-3.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	29,310	0.2
FY11 CE Recommended	0	0.0

Benefits and Information Management

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	173,708,560	9.0
Increase Cost: Increase in Claims and Carrier Administration	13,280,350	0.0
Shift: Senior Information Technology position from the General Fund to the Employee Health Benefit Self Insurance Fund	13,480	0.2
Shift: Two Senior Information Technology Specialist Positions from the General Fund to the Employee Retirement System	-39,370	-0.4
Decrease Cost: Lapse Backfill of Manager III Position Currently Assigned to ERP	-53,790	-0.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	12,000	0.3
FY11 CE Recommended	186,921,230	8.6

Occupational Medical Services

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

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	1,899,100	4.0
Decrease Cost: Flu Shots Expenditures to Reflect Projected Use	-9,450	0.0
Shift: Shift 30% of Cost of Administrative Position to Employee Retirement System Fund	-16,600	-0.3
Decrease Cost: Abolish Administrative Specialist I	-39,000	-0.7
Reduce: Psychologist Position Assigned to Stress Management Program Converted to Part-time Position	-70,970	-0.5
Decrease Cost: Annualization of FY10 Savings From Single OMS Fixed Price Contract for Physician Services	-148,070	0.0
Eliminate: Wellness Contract With Health Solutions - Provides Health Screenings and Literature	-186,210	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-31,530	-0.1
FY11 CE Recommended	1,397,270	2.4

BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Recommended FY11	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	3,740,030	3,789,540	3,949,410	2,892,010	-23.7%
Employee Benefits	1,053,872	1,135,480	1,195,610	797,710	-29.7%
County General Fund Personnel Costs	4,793,902	4,925,020	5,145,020	3,689,720	-25.1%
Operating Expenses	3,965,738	3,597,390	3,101,320	1,953,120	-45.7%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	8,759,640	8,522,410	8,246,340	5,642,840	-33.8%
PERSONNEL					
Full-Time	80	80	80	71	-11.3%
Part-Time	4	6	6	6	—
Workyears	46.6	45.6	45.6	32.7	-28.3%
EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND					
EXPENDITURES					
Salaries and Wages	464,249	956,860	1,093,430	932,680	-2.5%
Employee Benefits	257,164	289,780	267,210	292,340	0.9%
Employee Health Benefit Self Insurance Fund Pers. Costs	721,413	1,246,640	1,360,640	1,225,020	-1.7%
Operating Expenses	103,618,130	173,054,180	169,916,180	186,149,840	7.6%
Capital Outlay	0	0	0	0	—
Employee Health Benefit Self Insurance Fund Exp.	104,339,543	174,300,820	171,276,820	187,374,860	7.5%
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
Workyears	12.2	11.8	11.8	11.5	-2.5%
REVENUES					
Self Insurance Employee Health Income	106,309,590	168,036,560	164,862,960	186,494,920	11.0%
Investment Income	350,292	95,840	30,030	141,710	47.9%
Employee Health Benefit Self Insurance Fund Revenues	106,659,882	168,132,400	164,892,990	186,636,630	11.0%
DEPARTMENT TOTALS					
Total Expenditures	113,099,183	182,823,230	179,523,160	193,017,700	5.6%
Total Full-Time Positions	80	80	80	71	-11.3%
Total Part-Time Positions	4	6	6	6	—
Total Workyears	58.8	57.4	57.4	44.2	-23.0%
Total Revenues	106,659,882	168,132,400	164,892,990	186,636,630	11.0%

FY11 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY10 ORIGINAL APPROPRIATION	8,522,410	45.6
Changes (with service impacts)		
Reduce: Psychologist Position Assigned to Stress Management Program Converted to Part-time Position [Occupational Medical Services]	-70,970	-0.5
Eliminate: Tuition Assistance [Change Management, Training, and Organizational Development]	-835,000	0.0
Other Adjustments (with no service impacts)		
Increase Cost: Annualization of FY10 Personnel Costs	161,880	0.0
Increase Cost: Group Insurance Adjustment	25,470	0.0
Increase Cost: Retirement Adjustment	3,910	0.0
Technical Adj: Miscellaneous Adjustment	0	0.9
Decrease Cost: Reduce Education, Tuition, & Training Expenditures [Equal Employment Opportunity and Diversity]	-1,250	0.0
Decrease Cost: Reduce Job Fairs/Career Days Expenditures [Equal Employment Opportunity and Diversity]	-2,000	0.0
Decrease Cost: Reduce Miscellaneous Food/Beverage Expenditures [Director's Office]	-2,000	0.0
Decrease Cost: Reduce Employee Awards [Change Management, Training, and Organizational Development]	-6,000	0.0
Decrease Cost: Flu Shots Expenditures to Reflect Projected Use [Occupational Medical Services]	-9,450	0.0
Decrease Cost: Printing and Mail Adjustment [Director's Office]	-15,840	0.0
Shift: Shift 30% of Cost of Administrative Position to Employee Retirement System Fund [Occupational Medical Services]	-16,600	-0.3

	Expenditures	WYs
Decrease Cost: Reduce Computer Training Expenditures [Change Management, Training, and Organizational Development]	-20,000	0.0
Decrease Cost: Reduce Miscellaneous Operating Expenses [Labor and Employee Relations]	-20,070	0.0
Decrease Cost: Reduce Other Education, Tuition, & Training Expenditures [Director's Office]	-21,800	0.0
Decrease Cost: Reduce Leadership/Management Training Expenditures [Change Management, Training, and Organizational Development]	-29,500	0.0
Shift: Human Resources Specialist III to CIP/ERP for Six Months [Selection and Recruitment]	-29,500	-0.3
Shift: Administrative Specialist III to CIP/ERP for Six Months [Business Operations and Performance]	-30,490	-0.3
Decrease Cost: Reduce Advertising Expenditures [Selection and Recruitment]	-31,400	0.0
Decrease Cost: Lapse Manager II Position for 0.25 Work Years [Labor and Employee Relations]	-34,260	-0.3
Decrease Cost: Abolish Administrative Specialist I [Occupational Medical Services]	-39,000	-0.7
Shift: Two Senior Information Technology Specialist Positions from the General Fund to the Employee Retirement System [Benefits and Information Management]	-39,370	-0.4
Decrease Cost: Abolish Imaging Operator I Position Working With ePAF [Business Operations and Performance]	-39,950	-0.7
Decrease Cost: Reduce Arbitration Services Expenditures [Labor and Employee Relations]	-41,000	0.0
Decrease Cost: Reduce Outside Professional/Licensure Training Expenditures [Change Management, Training, and Organizational Development]	-46,870	0.0
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to the Development and Administration of Training Programs [Change Management, Training, and Organizational Development]	-47,730	-0.5
Decrease Cost: Reduce Paper, Mail, Printing, and Other Miscellaneous Operating Expenditures [Director's Office]	-49,720	0.0
Decrease Cost: ePAF Development [Business Operations and Performance]	-50,000	0.0
Decrease Cost: Reduce Unified Data Modeler (UDM) Support Contractor Cost [Business Operations and Performance]	-50,000	0.0
Decrease Cost: Lapse Backfill of Manager III Position Currently Assigned to ERP [Benefits and Information Management]	-53,790	-0.5
Decrease Cost: Suspend Classification Studies [Business Operations and Performance]	-57,800	0.0
Decrease Cost: Abolish Principal Administrative Aide Position Assigned to Equal Employment Opportunity and Diversity Management Team [Equal Employment Opportunity and Diversity]	-58,000	-1.0
Decrease Cost: Reduce PeopleClick Enhancements [Selection and Recruitment]	-70,000	0.0
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to the Development and Implementation of Recruitment Strategies [Selection and Recruitment]	-73,070	-1.0
Decrease Cost: Lapse Human Resources Specialist III Position Assigned to Planning and Conducting Classification Studies [Business Operations and Performance]	-97,630	-1.0
Decrease Cost: Gainsharing Support Contractor Costs [Business Operations and Performance]	-100,000	0.0
Decrease Cost: Abolish HR Specialist III Position Assigned to the Administration of the County's Grievance Procedure [Labor and Employee Relations]	-128,830	-1.0
Decrease Cost: Annualization of FY10 Savings From Single OMS Fixed Price Contract for Physician Services [Occupational Medical Services]	-148,070	0.0
Decrease Cost: Furlough Days	-156,250	-1.3
Decrease Cost: Abolish HR Specialist III Position Assigned to the Development of Recruitment Strategy [Selection and Recruitment]	-160,810	-1.0
Shift: Equal Employment Opportunity and Diversity Management to Human Rights Commission [Equal Employment Opportunity and Diversity]	-386,810	-3.0
FY11 RECOMMENDED:	5,642,840	32.7
EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND		
FY10 ORIGINAL APPROPRIATION	174,300,820	11.8
<u>Changes (with service impacts)</u>		
Eliminate: Wellness Contract With Health Solutions - Provides Health Screenings and Literature [Occupational Medical Services]	-186,210	0.0
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Increase in Claims and Carrier Administration [Benefits and Information Management]	13,280,350	0.0
Increase Cost: Annualization of FY10 Personnel Costs	13,640	0.1
Shift: Senior Information Technology position from the General Fund to the Employee Health Benefit Self Insurance Fund [Benefits and Information Management]	13,480	0.2
Increase Cost: Annualization of FY10 Operating Expenses	1,520	0.0
Increase Cost: Group Insurance Adjustment	1,510	0.0
Decrease Cost: Retirement Adjustment	-5,160	0.0
Decrease Cost: Abolish Data Entry Operator Position [Business Operations and Performance]	-8,560	-0.2
Decrease Cost: Furlough Days	-36,530	-0.4
FY11 RECOMMENDED:	187,374,860	11.5

PROGRAM SUMMARY

Program Name	FY10 Approved		FY11 Recommended	
	Expenditures	WYs	Expenditures	WYs
Director's Office	716,830	3.8	722,460	3.5
Business Operations and Performance	2,024,020	15.5	1,500,320	13.1
Change Management, Training, and Organizational Development	1,698,910	6.1	649,540	5.4
Selection and Recruitment	1,383,310	9.4	926,640	5.8
Labor and Employee Relations	973,750	5.8	900,240	5.4
Equal Employment Opportunity and Diversity	418,750	3.8	0	0.0
Benefits and Information Management	173,708,560	9.0	186,921,230	8.6
Occupational Medical Services	1,899,100	4.0	1,397,270	2.4
Total	182,823,230	57.4	193,017,700	44.2

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY10		FY11	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
CIP	CIP	1,078,660	8.6	1,057,550	8.4
Fire and Rescue Service	Fire	1,962,760	2.0	1,502,310	1.2
Fleet Management Services	Motor Pool Internal Service Fund	81,250	0.2	71,320	0.1
Health and Human Services	County General Fund	71,520	0.1	74,720	0.1
Liquor Control	Liquor Control	61,880	0.1	56,040	0.1
Parking District Services	Bethesda Parking District	4,950	0.0	4,340	0.0
Parking District Services	Montgomery Hills Parking District	90	0.0	80	0.0
Parking District Services	Silver Spring Parking District	5,720	0.0	5,070	0.0
Parking District Services	Wheaton Parking District	770	0.0	700	0.0
Permitting Services	Permitting Services	10,170	0.0	8,490	0.0
Police	County General Fund	240,600	2.0	243,040	2.0
Recreation	Recreation	46,930	0.1	49,250	0.1
Solid Waste Services	Solid Waste Collection	330	0.0	250	0.0
Solid Waste Services	Solid Waste Disposal	2,580	0.0	2,040	0.0
Transit Services	Mass Transit	431,090	0.8	336,250	0.5
Transportation	Vacuum Leaf Collection	1,420	0.0	1,100	0.0
Urban Districts	Bethesda Urban District	30	0.0	60	0.0
Urban Districts	Silver Spring Urban District	930	0.0	2,050	0.0
Urban Districts	Wheaton Urban District	570	0.0	1,280	0.0
Total		4,002,250	13.9	3,415,940	12.5


FUTURE FISCAL IMPACTS

Title	CE REC.		(5000's)			
	FY11	FY12	FY13	FY14	FY15	FY16
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY11 Recommended	5,643	5,643	5,643	5,643	5,643	5,643
No inflation or compensation change is included in outyear projections.						
Restore Personnel Costs	0	156	156	156	156	156
This represents restoration of funding to remove FY11 furloughs.						
Subtotal Expenditures	5,643	5,799	5,799	5,799	5,799	5,799
EMPLOYEE HEALTH BENEFIT SELF INSURANCE FUND						
Expenditures						
FY11 Recommended	187,375	187,375	187,375	187,375	187,375	187,375
No inflation or compensation change is included in outyear projections.						
Restore Personnel Costs	0	37	37	37	37	37
This represents restoration of funding to remove FY11 furloughs.						
Subtotal Expenditures	187,375	187,411	187,411	187,411	187,411	187,411

DEPARTMENT	JOB CLASS TITLE	FULL-TIME POSITIONS	PART-TIME POSITIONS	FILLED POSITIONS	VACANT POSITIONS	SALARY GRADE	REPRESENTED
Human Resources							
	HUMAN RES SPECIALIST III	-2	0	-2	0	25	
	ADMINISTRATIVE SPEC I	-1	0	0	-1	18	
	PRINCIPAL ADMIN AIDE	-1	0	0	-1	13	x
	DATA ENTRY OPERATOR	-1	0	-1	0	10	

MEMORANDUM

TO: Health and Human Services Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Expedited Bill 12-10, Human Rights – Equal Employment Opportunity Program

Expedited Bill 12-10, Human Rights – Equal Employment Opportunity Program, sponsored by the Council President at the request of the County Executive, was introduced on March 23, 2010. A public hearing was held on April 20.

Background

Bill 12-10 would transfer the County's equal employment opportunity program (EEO) from the Office of Human Resources to the Office of Human Rights. The EEO program in Human Resources consists of 3 employees – the EEO Compliance and Diversity Manager and 2 Human Resources Specialists. All 3 of these employees would be transferred to the Office of Human Rights. The EEO program currently:

1. prepares the response to external complaints filed by County employees with the EEOC, the Maryland Commission on Human Relations, and the County Office of Human Rights;
2. investigates and manages internal EEO complaints filed by County employees;
3. trains County employees on EEO issues;
4. tracks and prepares County EEO reports required under Federal laws;
5. tracks statistical data on the diversity of the County's workforce; and
6. operates diversity management programs for County employees.

The 3 employees transferred to Human Rights would continue to perform all of the duties listed above except for preparing the response to external complaints filed by County employees. The County Attorney's Office would assume responsibility for this function. Human Rights would transfer \$44,200 from its budget to the County Attorney's Office to pay for additional attorney time to handle external complaints. The Executive Branch responses to questions from Council staff explaining the goals and details of this proposed transfer is at ©9-12.

Public Hearing

James Stowe, Director, Office of Human Rights, testified in support of the Bill on behalf of the County Executive. Mr. Stowe testified that the transfer would consolidate all County equal employee opportunity functions into the Office of Human Rights and save money by permitting the Office of Human Rights to abolish 2 filled and 1 vacant positions. See ©14-15.

Issues

1. What is the fiscal impact of the Bill?

The fiscal impact statement estimates savings of \$411,670 from the transfer accomplished by this Bill. See ©13. The savings are based upon the abolishment of 3 positions in the Office of Human Rights (1 Investigator III and 2 Program Manager I positions) and 1 principal administrative aide in the Office of Human Resources. The fiscal impact statement also declares an unspecified savings from freeing up office space in the Executive Office Building without quantifying these "savings" and ignoring the increased costs of housing these employees in a different location.

We question the attribution of these savings to the transfer. The 3 employees in the Human Resources EEO unit who would be transferred to Human Rights would bring most of their current workload with them. The only function they would leave behind is the preparation of the response to EEO complaints filed against the County with the EEOC, the Maryland Commission on Human Relations, and the County Office of Human Rights. This function would be added to the workload in the County Attorney's Office and requires an additional appropriation of \$44,200 for additional attorney time. It is unlikely that the salary and benefits paid to an attorney in the County Attorney's Office to assume this added function would be less than that paid to the 3 Human Resources employees who would no longer perform the function.

Council staff was told that the Office of Human Rights expects that the 3 employees in the Human Resources EEO unit would be available to assist with Human Rights complaints. Logically, this can only happen if the EEO unit is currently underutilized or the function they are giving up frees up a significant amount of their time. The EEO unit reports to us that they have experienced an increasing number of complaints from County employees over the last several years and they expect this number to continue to increase due, in part, to the County's need to reduce expenses to meet decreasing revenue. The loss of the outside complaint response preparation function is being added to the County Attorney's Office. To the extent it frees up time for the EEO unit, the cost savings would be eliminated by the additional costs to the County Attorney's Office.

The abolishment of 4 positions described in the fiscal impact statement would result in savings. However, these positions can be, and we understand they would be, abolished without transferring the EEO unit from Human Resources to Human Rights.

2. Would the transfer consolidate all County equal employee opportunity functions into one central agency?

Mr. Stowe, in his testimony, explained that the Bill would "consolidate all County equal employee opportunity functions into one central agency." While this is true, there is a subtle distinction between the functions of the Office of Human Rights and the EEO unit in Human Resources. The County first established a Commission on Inter-Racial Problems in July 1960.¹ The Commission first addressed segregation in County facilities and discrimination in

¹ The history of the Commission is described in Office of Legislative Oversight Report Number 2006-6, dated April 25, 2006, written by Sue Richards and Suzanne Langevin.

employment, housing, and public accommodations in the County. Due in part to the work of the Commission, the Council first enacted a groundbreaking law prohibiting discrimination in public accommodations in 1962, 2 years before Congress enacted the Civil Rights Act of 1964. The Council enacted a law prohibiting discrimination in housing in 1967 and added employment discrimination in 1972. The Commission on Human Rights was first provided with full-time staff in 1967, which permitted it to investigate discrimination complaints. In 1986, the Council created the Office of Human Rights with an Executive Director and charged the Office with investigating discrimination complaints and providing staff support for the Commission on Human Rights. The Commission on Human Rights is authorized to conduct hearings and award damages for violation of the County Human Rights law.

The Commission on Human Rights and the Office of Human Rights (hereinafter jointly referred to as Human Rights) are charged with resolving discrimination complaints arising out of housing, public accommodations, and employment in the County. Although Human Rights has jurisdiction over employment discrimination complaints from County employees, this is just a small part of their work. Human Rights functions as the local version of the United States Equal Employment Opportunity Commission (EEOC) and the Maryland Commission on Human Relations (MCHR). Human Rights has overlapping jurisdiction to handle many discrimination complaints arising in the County with both the EEOC and the MCHR. The County's Human Rights Law covers all of the discriminatory practices prohibited under Federal and State law and adds discrimination on the basis of source of income (housing only), family responsibilities, ancestry, and gender identity. Although funded by the County, Human Rights functions as an alternative outside agency available to hear employment discrimination complaints by County employees.²

The EEO unit in Human Resources is an internal resource available to resolve discrimination complaints from County employees short of filing a formal complaint with an outside agency, such as Human Rights. Although equal employment opportunity is the responsibility of all County managers, the Office of Human Resources is the primary County agency responsible for insuring that all County personnel policies are applied equally without discrimination on the basis of race, color, sex, religion, age, disability, national origin, familial status, sexual orientation, marital status, genetic status, family responsibility, ancestry, and gender identity. The investigation and resolution of discrimination complaints before they result in litigation is a core function of the Office of Human Resources. The Supreme Court, in *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998), held that an employer can prevail in certain types of hostile environment sexual harassment claims by proving that the employer had an internal complaint procedure for investigating and resolving sexual harassment claims that the employee failed to use.

Both Human Rights and the Human Resources EEO unit investigate and attempt to resolve employment discrimination complaints from County employees. However, Human Rights is an independent agency established to provide a remedy for discrimination complaints in the County and the EEO unit in Human Resources is an internal agency responsible for employee relations. Mr. Stowe's testimony recognizes this distinction when he stated that Human Rights would maintain a separate tracking system for internal complaints from County

² Md. State Gov't Code §12-202 authorizes a person subjected to a discriminatory act in violation of the Montgomery County Human Rights law to file a civil action in the Circuit Court as an alternative to a hearing before the County Commission on Human Rights.

employees. We understand that all internal complaints would continue to be handled by the former EEO unit and that they would not have any role in handling a formal complaint from a County employee filed with the Commission on Human Rights.³

3. Is this consolidation done elsewhere in local government?

The Executive Branch responses to Council staff questions points out that this consolidation has been done in Fairfax County, Howard County, Prince George's County, and the District of Columbia. See question 14 at ©12. Council staff contacted the Human Resources Department of each of these local jurisdictions to discuss the merits of this consolidation. However, our research revealed significant discrepancies. Howard County told Council staff that internal discrimination complaints from County employees are investigated by the Human Resources Administrator or Deputy Administrator. Prince George's County Human Resources staff said that internal discrimination complaints are investigated by the Performance Management Services Division in the County Personnel Office. The District of Columbia refers internal employee sexual harassment complaints to the District's Office of Human Rights, but investigates all other types of discrimination complaints. Finally, Fairfax County confirmed that all internal employee discrimination complaints are referred to the Fairfax Office of Human Rights and Equity Programs. Fairfax County had previously investigated EEO complaints from County employees through its Office of Equity Programs. Fairfax recently consolidated the Human Rights Office with the Office of Equity Programs in order to eliminate a vacant Director position. Fairfax County could not provide any opinion on the merits of the consolidation since it was too new.

4. Would the transfer of the EEO unit to Human Rights affect the County's EEO and Diversity Management function?

Internal complaints would still be investigated by the same 3 County employees after the transfer,⁴ but these employees would no longer represent the Office of Human Resources. The Office of Human Resources describes its core function on its website as:

Montgomery County's Office of Human Resources (OHR) administers a comprehensive program providing a wide variety of human resources-related services to Montgomery County departments, agencies, employees, retirees, and the public. OHR programs and services support the missions and objectives of the organization by attracting, developing, and retaining a skilled and diverse workforce. OHR is organized into the Director's Office and nine functional service teams.

One of these service teams is the EEO & Diversity Management Team. Their self-described function is:

The EEO & Diversity Management Team develops and administers the County's workforce diversity program and EEO compliance program to promote fairness,

³ A County employee who is dissatisfied with the resolution of an internal complaint handled by the EEO unit would still have the option of filing a formal complaint with the Commission on Human Rights.

⁴ This would be a permanent transfer of the function. Eventually, through promotion, attrition, and retirement, these employees would be replaced by new employees.

equity and a respect for differences and diversity in the workplace. The team is responsible for conducting the Montgomery County diversity and management consultation activities and serves as an internal consultant to assist departments in creating and managing their diversity programs while simultaneously improving workforce effectiveness.

EEO and Diversity Management is a core function of the Office of Human Resources. It is an important part of insuring that the County attracts, develops, and retains a skilled and diverse workforce. Transferring this function to an agency that is responsible for investigating and adjudicating complaints alleging any violation of the County Human Rights law creates a perception that the Office of Human Resources is no longer responsible for EEO and Diversity Management. This could also create the perception that EEO and Diversity Management is less important to County management.

County employees may also be confused by this transfer. Although a County employee would retain the right to file a formal complaint with Human Rights if dissatisfied with the results of the investigation of an internal complaint, the employee would have to file the formal complaint with the same agency that just reviewed the complaint. The result may well be an increase in formal complaints from County employees and a corresponding decrease in the number of complaints that are resolved internally without a formal complaint.

5. Should the transfer be approved?

Despite the fiscal impact statement attributing a savings of \$411,670 due to the abolishment of 4 positions, Council staff does not agree that these savings would result from this transfer. Without savings, the transfer must provide better service to be justified. The Executive Branch argues that this transfer would help Human Rights make up for the loss of positions in recent years. However, the 3 employees being transferred come with a full workload. Most importantly, they perform a core human resources function.

Council staff agrees that developing a response to EEO complaints filed with outside agencies should be transferred from the EEO unit to the County Attorney's Office. The EEO unit must be perceived by employees as an independent and fair investigator of internal complaints. Developing a response to an outside complaint is an advocacy role that could damage that impartial perception for the EEO unit. This can be done without legislation.

Although it is difficult to predict how well the transfer would work, there are some significant potential drawbacks to the transfer. The greatest potential drawback is the perception that the County's transfer of EEO and Diversity Management from the Office of Human Resources to Human Rights is a statement that this is no longer a core Human Resources function. **Council staff recommendation:** do not approve the Bill.

This packet contains:

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Questions for OHR concerning Bill 12-10

1. What is the purpose of transferring the Equal Employment Opportunity Program? (EEO) from OHR to HRC?

The purpose for transferring the EEO functions from OHR to HRC is to organize similar work functions and work tasks responsibilities into one department. Both HRC and the EEO Compliance Unit have, as a core business function, responsibility for investigating complaints of discrimination, outreach and training/education of discrimination laws. Many of the separate functions of HRC and EEO will remain with each entity including regulatory or mandated functions.

Further, as a result of the County's overall budget reductions, HRC was required to undergo significant budget reductions which resulted in the abolishment of two positions and loss of one additional position. The current budgetary actions, coupled with the loss of positions due to last fiscal year's reduction of force and a loss of 5 investigators in the last 24 months has negatively impacted HRC's ability to deliver of key services to County residents. This transfer would reverse that trend and greatly reduce the overall impact on these critical services to our community.

Additionally, HRC would obtain additional and significant expertise in compliance, training, diversity management, diversity-related programming, case management and resolution of complaints to further enhance the existing functions of HRC and allow more extensive outreach and community relations efforts in the agency.

2. Please list the current functions performed by the EEO team in OHR.

Please see attached document.

3. Which of these functions would no longer be performed by the EEO team after is transferred to HRC?

The EEO Compliance Unit would no longer investigate and file responses on behalf of county government as a respondent to external complaints filed by employees, alleging discriminatory employment practices, against County departments and agencies. The external complaints are formal complaints filed with the U.S. EEOC, the Maryland Commission on Human Relations and the Montgomery County Office of Human Rights

4. Who would be responsible for each function that the EEO team would no longer performs after the transfer?

The response to complaints filed with external compliance agencies (EEOC, Maryland Commission on Human Relations and Office of Human Rights) by an employee against the County will be investigated and prepared by the County Attorney's Office. Out of the OHR EEO resources being transferred to HRC \$30,000-\$40,000 will be transferred to the County Attorney to absorb this function.

5. How many positions would be transferred to HRC from OHR? What are the position titles and grades for each position to be transferred to HRC? What would be the new position title and grade for each transferred position in HRC?

There would be a total of (1) Manager (EEO Compliance and Diversity Manager), (2) Human Resources Specialists. The EEO Officer is at the MLS II level and the 2 Human Resource Specialists are at the pay grade 25 level.

The MLS II would remain at the same level. The (2) Human Resource Specialists will functions as Investigator III level employees at their current pay grade 25.

6. How many positions would be abolished as a result of this transfer? Are these positions currently filled? What is the job title and grade for each position?

HRC will abolish 3 positions. This includes 2 currently filled positions and 1 vacancy. The two positions are both Program Manager Is' at a pay grade 23 level and the vacant position is an Investigator III position at the pay grade 25 level.

7. How do you anticipate that this transfer of responsibility would improve efficiency?

HRC would obtain additional and significant expertise in compliance, training, diversity management, diversity-related programming, case management and resolution of complaints to further enhance the existing functions of HRC and allow more extensive outreach and community relations efforts in the agency.

Additional staff may result in additional revenue via the increase of EEOC contracts and training sessions offered to public and private employers at a reasonable cost to those entities.

The increase of training expertise will allow HRC to expand training and education opportunity relating to discrimination in employment, housing and public accommodation to the community we serve, at no additional cost to county government.

8. How do you anticipate that this transfer of responsibility would improve responsiveness?

HRC is experiencing an increase in complaint filed due to the economy. This increase has resulted in increased case inventory for each investigator. The transfer of additional experienced investigators to HRC would allow a more equitable distribution of cases with more investigators in the unit and would result in shorter time frames for case closures. The transfer would immediately improve HRC's complaint processing time frames of both internal and external discrimination by providing additional trained investigators to the compliance section in HRC.

The increased complaint case load would be more equitably distributed to more investigators in the pool also resulting in shorter time frames for case closures.

Additionally, HRC may implement an interim mediation process for all HRC complaints served upon the County to increase the number of cases resolved amicably and without the time required to conduct full and, at times, lengthy investigations.

9. Please explain any other projected cost savings due to this transfer?

The immediate cost savings will be \$472,000 abolishment of 3 positions and operational costs assumed in HRC's FY11. In addition, this consolidation will result in savings realized in creating office space and other related resources within the Executive Office Building after the proposed transfer.

10. Please provide the following information for FY09 and FY10 to date:

- a. number of transactions- 151
- b. external EEO complaints filed ; 28
- c. internal transactions-123
- d. total case load (# of cases at start of year and # of new cases filed during the year);
new cases

All of the aforementioned transactions were received in FY 09

- e. number of transactions completed-
- f. number of cases resolved; 97
- g. the average time needed to resolve a case; and
- h. disposition of cases:
 - i. # of cases finding probable cause, 9
 - ii. # of cases finding no probable cause 41,
 - iii. # of cases settled without a finding. 7
 - iv. # of administrative closures 40
 - v. # of open cases 47

12 are open with compliance agencies

11. How many cases do you expect each investigator to carry at one time and how many is each investigator expected to close each year?

In HRC, Investigators are required to carry a case load between 40-50 cases and are expected to close 30-40 cases per year.

In EEO, the team handles about 150 transaction on an annual basis with a staff of 3 full-time merit system employees. (investigator and manager included)

12. What portion of time does your team spend performing?

- | | |
|--------------------------------|----|
| a. investigations; | 75 |
| b. workplace education; and | 15 |
| c. outreach (programming only) | 10 |

13. What, if any, feedback have you received from the Unions on this proposal?

While the matter has not been discussed with the Union, it does not impact any of their members. The HRC employees are both unrepresented.

However, the Union will gain 2 members because the Investigator from OHR are non-represented and will be represented once transferred to HRC. The two abolished position included two supervisors/managers (non-MLS) who are not represented by the union. This action, abolishment of 2 managers, instead of union members is a favorable action for the union.

14. Are there other Counties that have moved their EEO program to their Human Rights Commission (or equivalent agency created to investigate equal employment complaints by private sector employees)? If so, which Counties?

Yes. Currently Fairfax County, Howard County, Prince George's County and the District of Columbia all insure compliance with local, state and federal laws and investigates and adjudicate both internal EEO and external complaints in their Human Rights Department/Agency. In each instance, the legal department defends the County in their capacity in filing responses/submissions to external compliance agencies (such as the EEOC). The consolidation, of external compliance agencies and internal EEO units, is an increasing pattern across the country in other communities.

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

- (D) A department director should periodically review the multilingual pay differentials approved for employees within a department, division, or work unit after:
 - (i) a program change or reorganization that affects the need for multilingual skills;
 - (ii) a change in client characteristics that indicates that the identified language skill may no longer be needed; or
 - (iii) the performance evaluations of employees who are certified in a particular language indicate that the employees did not use, or seldom used, the multilingual skills during the rating period.
- (3) ***OHR certification of multilingual employees.***
 - (A) To have an employee's language skills certified, a department director must provide the following information on the language certification form submitted to OHR:
 - (i) the language skill needed;
 - (ii) the level of proficiency needed (basic or advanced); and
 - (iii) the name of the employee whose language skills need to be certified.
 - (B) After receiving a completed language certification form from a department, the OHR Director must:
 - (i) schedule the employee for a language test;
 - (ii) conduct the examination;
 - (iii) notify the employee and department of the examination results and the effective date of the certification if the employee passed the language examination; and
 - (iv) add the name of the newly-certified employee to the Countywide Interpreter List, unless the department director has requested that the employee's name not be included on the List and the OHR Director has approved the request.
 - (C) If the employee fails the examination, the employee may submit a request to be retested within 6 months of the date of the initial examination. If the employee has not passed the examination within 6 months of the initial examination, the department must submit a new language certification form for the employee to be tested again.

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

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

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

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

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

- (d) Ride-On Shift Differential

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

5.4

Multilingual Pay Differential

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

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

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

5.5 Pay Equity

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

5.6 Withholding PrePaid Salary

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

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

5.7 Stand By Pay

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

FOP MULTILINGUAL PAY TERMS

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

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

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

Article 5 Tech Pay

Section A. Canine Officers.

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

Section B. FTO Pay.

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

Section C. Multilingual Pay Differential.

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

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

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

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

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

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

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2010

3. *Compensation.* Compensation is determined by the officer's certified language skill level. Compensation is paid for all hours actually worked during the pay period. Officers certified at the basic skill level will receive one dollar per hour for all hours actually worked. Officers certified at the advanced skill level will receive two dollars per hour for all hours actually worked.

Certified officers will indicate on their time sheets the multilingual skill code ML1 for Basic Skill certification, and ML2 for Advanced Skill certification.

4. *Overtime.* Certified officers will be paid overtime on the multilingual differential only for use of the skill during hours subject to overtime pay, i.e. in excess of the regular workday or workweek.
5. *Transfer.* It is recognized that once an employee is designated in a skill level, he/she may be transferred to an assignment where the skill is needed.

Article 6 Clothing Allowance

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

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

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

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

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

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

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

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increase the Emergency Medical Technician pay differential to:

Assignment:

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

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

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

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

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

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

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

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

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

Section 17.3 Multilingual and Sign Language Pay Differential

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

need to communicate in that language.

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

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

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

Section 17.4 Impact of Pay Differential on Other Compensation and Benefits

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

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

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

Section 17.5 Eligibility

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

ARTICLE 18 - SNOW EMERGENCY/GENERAL EMERGENCY PAY

Section 18.1 Definition

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

Section 18.2 Compensation

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