

**Worksession**

**MEMORANDUM**

TO: Government Operations and Fiscal Policy Committee

FROM: Justina J. Ferber,  Legislative Analyst

SUBJECT: Executive Regulation 17-15, Amendments to Montgomery County Personnel Regulations, to Allow Social Worker Interns at DHHS to Apply for “Employees Only” Vacancies

The Committee will consider the Executive’s proposed amendments to the Montgomery County Personnel Regulations (MCPR) **to amend Section 6-2 – Recruitment and Application Rating Procedures – to allow Social Worker Interns at the Department of Health and Human Services (DHHS) to apply for “Employees Only” vacancies.**

The proposed amendment would allow active Social Worker Interns at DHHS with six months of service to apply for certain vacancy announcements at DHHS that are limited to County Employees Only. This regulation attempts to remedy the problem of DHHS losing many of its best Social Worker interns to other jurisdictions because of the time it takes to fill a vacancy during open social worker recruitment.

This proposed amendment to the personnel regulations adds Social Work Interns to Section 6-2:

6-2(a) The OHR Director

\* \* \*

(6) must allow an active Social Worker Intern at HHS with a minimum of six months of service to apply for a Public Administration Associate (PAA)/Social Worker vacancy announcement in Child Welfare Services at HHS that is limited to County employees only.

The amendment also adds Section 1-72 to Definitions to provide the following definition for Social Work Intern: “Educational program at the Department of Health and Human Services for graduate students currently enrolled in a Master’s in Social Work (MSW) program at a university school of social work.”

The Executive's transmittal memorandum notes that the regulation was advertised in the October 2015 issue of the *Montgomery County Register* and that the Merit System Protection Board (MSPB) reviewed the regulation and provided comments. OHR amended the proposed regulation to address concerns of the MSPB. Copies of the memos between the MSPB and OHR are attached at ©14-20. A fiscal impact statement indicating no fiscal or economic impact is also included at ©4.

## **ACTION**

Council staff proposes the Committee recommend Council adoption of Executive Regulation 17-15 as submitted.

Attached is a draft resolution.

## **OUTSTANDING ISSUE – PERSONNEL REGULATIONS**

During deliberations on the Comprehensive Amendments to the Personnel Regulations last June, Executive staff agreed to submit an amendment to the regulations to address issues related to parental leave and donated leave. Council staff requests an oral update to the Committee on the status and timeline for receipt of the amendments.

<b><u>This packet contains:</u></b>	<b><u>Circle #</u></b>
Resolution	1
Transmittal Memorandum	3
Fiscal Impact Statement	4
Regulation 17-15, bracketed and underlined	6
Regulation 17-15, clean copy	10
Memo, 9/25/15, From OHR to MSPB	14
Memo, 11/4/15, From MSPB to OHR	15
Memo, 11/19/15, From OHR to MSPB	16
Memo, 12/2/15, From OHR to MSPB	18
Memo, 12/9/15, From MSPB to OHR	20

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Government Operations and Fiscal Policy Committee

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**Subject:** Approval of Executive Regulation 17-15, Amendments to Montgomery County Personnel Regulations, to Allow Social Worker Interns at DHHS to Apply for “Employees Only” Vacancies

**Background**

1. On December 21, 2015, the County Council received Executive Regulation 17-15 to amend Section 6-2 of the Personnel Regulations to allow Social Worker Interns at DHHS to apply for “Employees Only” job vacancies.
2. The proposed amendment would allow active Social Worker Interns at DHHS with a minimum of six months of service to apply for a Public Administration Associate (PAA)/Social Worker vacancy announcement in Child Welfare Services at HHS that is limited to County employees only.
3. This regulation attempts to remedy the problem of DHHS losing many of its best Social Worker Interns to other local jurisdictions because of the time it takes to fill a vacancy during open social worker recruitment.
4. Executive Regulation 17-15 is processed under Method 1 and takes effect upon adoption of the Council resolution approving it or on a later date specified in the regulation.

**Action**

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

Executive Regulation 17-15 to amend Section 6-2 of the Montgomery County Personnel Regulations to allow Social Worker Interns at DHHS to apply for “Employees Only” vacancies is approved.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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EXEC  
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LAM  
CC  
SBF  
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NHR

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

December 21, 2015

TO: Nancy Floreen, Council President  
FROM: Isiah Leggett, County Executive   
SUBJECT: Executive Regulation 17-15, MCPR Amendments to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies

Method 1

I am transmitting Executive Regulation No. 17-15, MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS, for approval. This regulation amends Section 6-2 of the Montgomery County Personnel Regulations to provide that the OHR Director must allow active social worker interns in the Department of Health and Human Services (HHS) with six months of service to apply for certain vacancy announcements at HHS that are limited to County employees only. This regulation attempts to remedy the problem of HHS losing many of its best social worker interns to other local jurisdictions.

Executive Regulation No. 17-15 was advertised in the October 2015 issue of the *Montgomery County Register*. No comments were received in response to this advertisement. The proposed regulation has been reviewed by the Merit System Protection Board. Based on the Board's constructive comments, we have made some changes in the proposed regulation to address the Board's concerns. The Board has no objections to the proposed regulation, as revised. Copies of the memos between the MSPB and OHR relating to Executive Regulation No. 17-15 are attached.

Attachments

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

2015 DEC 21 PM 2:18



**Fiscal Impact Statement**  
**Executive Regulation 17-15 – MCPR Amendment to Allow Social Worker Interns at HHS**  
**to Apply for “Employees Only” Vacancies at HHS**

**1. Executive Regulation Summary**

The proposed regulation amends MCPR Section 6-2 of the 2001 Montgomery County Personnel Regulations to provide that the OHR Director must allow active social worker interns in the Department of Health and Human Services (HHS) to apply for vacancy announcements at HHS that are limited to County employees only.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

Not applicable

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

The proposed regulation has no fiscal impact.

**4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.**

Not applicable.

**5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.**

Not applicable.

**6. An estimate of the staff time needed to implement the regulation.**

Not applicable.

**7. An explanation of how the addition of new staff responsibilities would affect other duties.**

Not applicable.

**8. An estimate of costs when an additional appropriation is needed.**

Not applicable.

**9. A description of any variable that could affect revenue and cost estimates.**

Not applicable.

**10. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not applicable.

**11. If a regulation is likely to have no fiscal impact, why that is the case.**

The proposed regulation has no fiscal impact because it simply addresses eligibility for particular vacancies.

**12. Other fiscal impacts or comments.**

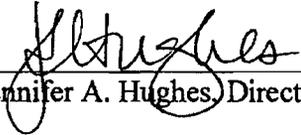
None.

**13. The following contributed to and concurred with this analysis (enter name and dept.)**

Stuart Weisberg, Office of Human Resources

Lori O'Brien, Office of Human Resources

Corey Orlosky, Office of Management and Budget

  
\_\_\_\_\_  
Jennifer A. Hughes, Director

9/16/15  
\_\_\_\_\_  
Date



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

## MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS

Executive Regulation No. 17-15  
 COMCOR No. 33.07.01  
 Issued by: County Executive  
 Supersedes: None

Authority: Montgomery County Code, 2004, §33-7(b)  
 Council review: Method 1

*Montgomery County Register* Volume 32 Issue 10  
 Comment deadline: October 31, 2015

Effective date: \_\_\_\_\_

**Summary:** This regulation amends MCPR Section 6-2 to provide that the OHR Director must allow active social worker interns in the Department of Health and Human Services (HHS) with six months of service to apply for certain vacancy announcements at HHS that are limited to County employees only.

**Address for comments:** Office of Human Resources, Executive Office Building, 7th Floor  
 101 Monroe Street, Rockville, Maryland 20850

**Staff contact:** Stuart Weisberg, 240-777-5154, or [stuart.weisberg@montgomerycountymd.gov](mailto:stuart.weisberg@montgomerycountymd.gov)

Please use the key below when reading this regulation:

- |                              |   |
|------------------------------|---|
| <b>Boldface</b>              | <i>Heading or defined term.</i>                                   |
| <u>Underlining</u>           | <i>Added to existing regulation by proposed regulation.</i>       |
| [Single boldface brackets]   | <i>Deleted from existing regulation by proposed regulation.</i>   |
| <u>Double underlining</u>    | <i>Added by amendment.</i>  |
| [[Double boldface brackets]] | <i>Deleted from existing or proposed regulation by amendment.</i> |
| * * *                        | <i>Existing language unchanged by executive regulation.</i>       |



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

## SECTION 1. DEFINITIONS

\* \* \*

**1-72. Social Worker Interns at HHS** – Educational program at the Department of Health and Human Services for graduate students currently enrolled in a Master’s in Social Work (MSW) program at a university school of social work.

[1-72]

**1-73. Step salary schedule**: A salary schedule consisting of a number of fixed salary levels or "steps" for each grade. An employee's pay is advanced from one fixed step on the schedule to the next upon the occurrence of an established event such as the employee's increment date.

[1-73]

**1-74. Supervisor**: The CAO and subordinate personnel who are authorized to perform supervisory functions.

[1-74]

**1-75. Temporary employee**: An incumbent of a temporary position.

[1-75]

**1-76. Temporary position**: A non-career position classified and filled under merit system principles.

[1-76]

**1-77. Temporary promotion**: The short-term, non-permanent assignment of an employee to:

- (a) a vacant position with a higher grade;
- (b) a vacant position on a different salary schedule at a higher salary; or
- (c) a higher-level position while the employee in the position is absent on extended leave.

[1-77]

**1-78. Term employee**: An incumbent of a term position.

[1-78]



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

**1-79. Term position:** A type of full-time or part-time career merit system position that is created for a special term, project, or program, or a position in which the incumbent's employment terminates at the expiration of a specified period of time or term.

[1-79]

**1-80. Transfer:** The movement or detail of an employee from one position or task assignment to another position or task assignment at the same grade or salary either within a department or office or between departments and offices that involves at least one of the following changes:

- (a) from one merit system position to another;
- (b) from one salary schedule to another;
- (c) in the physical location of the employee's job or position; or
- (d) in duty assignment within the same occupational class.

[1-80]

**1-81. Uniformed fire/rescue employee:** A uniformed employee of the Montgomery County Fire and Rescue Service who occupies a full-time or part-time merit system position.

[1-81]

**1-82. Unrepresented employee:** An employee whose position is not included in any bargaining unit.

[1-82]

**1-83. USERRA:** The 1994 Uniformed Services Employment and Reemployment Rights Act.

[1-83]

**1-84. Volunteer Firefighter or Rescuer:** A person who qualifies as a volunteer firefighter or rescuer as defined in Section 21-1 of the County Code.

[1-84]

**1-85. Workday:** A day on which the employee works or is scheduled to work.

[1-85]

**1-86. Working days:** All days except Saturdays, Sundays, and official or special County holidays.





# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

[1-86]

1-87. Workweek or work period: Any repeating seven-day work schedule.

\* \* \*

## SECTION 6. RECRUITMENT AND APPLICATION RATING PROCEDURES

\* \* \*

6-2. Announcement of open jobs.

(a) The OHR Director:

\* \* \*

(3) may announce a vacancy to the general public or may restrict the vacancy to some or all County employees;

\* \* \*

(6) must allow an active Social Worker Intern at HHS with a minimum of six months of service to apply for a Public Administration Associate (PAA)/Social Worker vacancy announcement in Child Welfare Services at HHS that is limited to County employees only.

\* \* \*

Approved:

Isiah Leggett, County Executive

12/30/15  
Date

Approved as to form and legality:

Anne T. Wendle 12/10/15  
Office of the County Attorney Date



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

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Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
<b>Originating Department</b>	Office of Human Resources	<b>Effective Date</b>	

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\* \* \*

## SECTION 6. RECRUITMENT AND APPLICATION RATING PROCEDURES

\* \* \*

**6-2. Announcement of open jobs.**

- (a) The OHR Director:



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b>	MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS	<b>Number</b>	17-15
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\* \* \*

- (3) may announce a vacancy to the general public or may restrict the vacancy to some or all County employees;

\* \* \*

- (6) must allow an active Social Worker Intern at HHS with a minimum of six months of service to apply for a Public Administration Associate (PAA)/Social Worker vacancy announcement in Child Welfare Services at HHS that is limited to County employees only.

\* \* \*

Approved: Isiah Leggett  
Isiah Leggett, County Executive

12/29/15  
Date

Approved as to form and legality:  
Anne T. Windle 12/10/15  
Office of the County Attorney      Date

MEMORANDUM

September 25, 2015

TO: Bruce Martin, Executive Secretary  
Merit System Protection Board

FROM: Stuart Weisberg, Labor Relations Advisor  
Office of Human Resources

SUBJECT: Executive Regulation 17-15, MCPR Amendment to Allow Social Worker Interns at HHS to Apply for "Employees Only" Vacancies at HHS

Attached for the Board's review and comment is Executive Regulation 17-15. This regulation amends MCPR Section 6-2 to provide that the OHR Director must allow active social worker interns in the Department of Health and Human Services (HHS) to apply for vacancy announcements at HHS that are limited to County employees only.

The problem that this Executive Regulation attempts to solve is that HHS has had difficulty recruiting social workers. The social worker interns at HHS are ideal candidates since they have been trained and reviewed by HHS, are exempt from the state mandated three months of training before they can meet with clients, and therefore are capable of hitting the ground running. In the past, however, HHS has lost many of their best social worker interns to other jurisdictions because of the time it takes during an open social worker recruitment.

This is similar to what we done in the past to allow Customized Employment Public Interns (ER 2-11) and QUEST and Project Search Interns (ER 19-12) to apply for "employees only" vacancies.

Attachment



MERIT SYSTEM PROTECTION BOARD

MEMORANDUM

November 4, 2015

TO: Shawn Y. Stokes, Director  
Office of Human Resources

FROM: Raul E. Chavera, Jr, Chairman  
Merit System Protection Board *Raul E Chavera Jr*

SUBJECT: Executive Regulation 17-15 – Amendment to Allow Social Worker  
Interns at HHS to Apply for “Employees Only” Vacancies at HHS

This is in response to your memorandum, dated September 25, 2005, concerning amendments to the Montgomery County Personnel Regulations (MCPR) to provide that active social worker interns in the Department of Health and Human Services (HHS) must be allowed to apply for vacancies that are otherwise limited to County employees.

The Board has reviewed the proposed MCPR amendment and is generally supportive of the concept of creating a path for qualified interns to effectively compete for County positions with HHS. However, as drafted the regulation appears to give interns the “employee only” status for vacancies without any requirement that they have served with HHS for a certain amount of time, actually received a particular minimum level of training, or demonstrated an appropriate skill level as reflected in a performance review or the equivalent. The Board suggests that the Merit System would be better served if the regulation explicitly provided some standards for intern work experience, training, and performance as a prerequisite to allowing them to apply for “employee only” vacancies.

cc: Board Members  
Stuart Weisberg, OHR



OFFICE OF HUMAN RESOURCES

Isiah Leggett  
County Executive

Shawn Y. Stokes  
Director

MEMORANDUM

November 19, 2015

TO: Raul E. Chavera, Jr, Chairman  
Merit System Protection Board

FROM: Shawn Y. Stokes, Director  
Office of Human Resources 

SUBJECT: Executive Regulation 17-15 – Amendment to Allow Social Worker Interns at HHS to Apply for “Employees Only” Vacancies at HHS

Thank you for reviewing ER 17-15 and for the Board’s constructive comments. In response, we have amended the regulation to clarify that the ability of social worker interns at HHS to apply for “employee only” vacancies at HHS is limited to social worker positions.

The Board also expressed a concern about the regulation appearing to give social worker interns “employee only” status for applying for vacancies without any requirement that they serve at HHS for a certain minimum amount of time, actually receive a particular minimum level of training or demonstrate an appropriate skill level as reflected in a performance review or the equivalent. We note initially that this regulation is similar to what we have done in the past to allow Customized Employment Public Interns (ER 2-11) and QUEST and Project Search Interns (ER 19-12) to apply for “employee only” vacancies without any requirement that the interns serve for a certain amount of time or demonstrate an appropriate skill level. Social worker interns at HHS are not County employees while they work for HHS and are being trained and supervised by HHS staff. While a social worker intern may apply for an “employee only” social worker vacancy at any time during their internship, and will be considered for the vacancy assuming that the intern satisfies the minimum qualifications for the position,

Raul E. Chavera, Jr., Chairman

November 18, 2015

Page 2

this does not mean that the intern, without regard to time served or performance will be selected for the vacancy. It is anticipated that HHS will begin its recruitment for social worker vacancies in January for interns who are scheduled to graduate from a university school of social work in May. Thus, many of the social worker interns are likely to have job offers from the County before graduation. This regulation will remedy the problem of HHS losing many of their best and brightest social worker interns to other local jurisdictions because of the time it takes to fill a vacancy during an open social worker recruitment.

cc: Bruce Martin, Executive Secretary, MSPB



OFFICE OF HUMAN RESOURCES

Isiah Leggett  
County Executive

Shawn Y. Stokes  
Director

MEMORANDUM

December 2, 2015

TO: Raul E. Chavera, Jr, Chairman  
Merit System Protection Board

FROM: Shawn Y. Stokes, Director  
Office of Human Resources 

SUBJECT: Executive Regulation 17-15 – Amendment to Allow Social Worker Interns at HHS to Apply for “Employees Only” Vacancies at HHS

Upon further consideration and based on additional conversations between OHR staff and the Board’s Executive Secretary as well as added discussions with officials at HHS, we have decided to revise ER 17-15 in a way we believe satisfies the Board’s valid concerns while remedying the problem of HHS losing many of their best and brightest social worker interns to other local jurisdictions.

By way of background, most of the social worker interns at HHS graduate in May and receive a Master’s Degree in Social Work (MSW). Since the Social Worker I and II positions at HHS require both a MSW and a license, HHS under fills these positions at the entry level of Public Administration Associate (PAA), which requires only a Bachelor’s degree. It is anticipated that HHS will begin its “employees only” recruitment for social worker vacancies in March and make offers to applicants prior to graduation. The appointments to the PAA positions will take place after the successful applicants graduate and receive a MSW. When the new hires obtain a social worker license and pass a 6-month probationary period as a PAA, they will then be promoted to a Social Worker I or II position.

In order to meet the Board’s concern about the regulation appearing to give social worker interns “employee only” status for applying for vacancies without any requirement that

Raul E. Chavera, Jr, Chairman  
December 2, 2015  
Page 2

they serve at HHS for a certain minimum amount of time; we have revised ER 17-15 to require social worker interns at HHS to work there for six months before they are eligible for "employee only" status for applying for vacancies. Further, we have narrowed the positions that social worker interns at HHS may apply to "employees only" to the PAA/Social Worker position in Child Welfare Services at HHS. A copy of the revised ER 17-15 is attached.

Thank you again for reviewing ER 17-15. We believe that by addressing the Board's constructive comments, the regulation has been improved.

cc: Bruce Martin, Executive Secretary, MSPB



MERIT SYSTEM PROTECTION BOARD

MEMORANDUM

December 9, 2015

TO: Shawn Y. Stokes, Director  
Office of Human Resources

FROM: Raul E. Chavera, Jr, Chairman  
Merit System Protection Board *Raul E Chavera Jr*

SUBJECT: Executive Regulation 17-15 – Amendment to Allow Social Worker  
Interns at HHS to Apply for “Employees Only” Vacancies at HHS

This is in response to your memorandum, dated December 2, 2015, concerning amendments to the Montgomery County Personnel Regulations (MCPR) to provide that active social worker interns in the Department of Health and Human Services (HHS) must be allowed to apply for vacancies that are otherwise limited to County employees.

The Board supports the goal of creating a path for qualified graduate student interns to effectively compete for County positions with HHS, and has no objections the proposed MCPR amendment, as revised. We appreciate your willingness to consider and incorporate the suggestions raised in our previous correspondence and through conversations with Board’s Executive Director.

cc: Board Members  
Bruce P. Martin, Executive Director, MSPB  
Stuart Weisberg, OHR