SECTION 1. DEFINITIONS

(As amended March 5, 2002, October 22,2002, December 10,2002, March 4,2003, April 8, 2003, October 21, 2008, November 3, 2009, May 20, 2010, February 8, 2011, July 12, 2011, December 11, 2012, and February 23, 2016)

1-1. ADA*:* The Americans with Disabilities Act, a Federal law enacted to address discrimination against individuals with disabilities.

1-2. Administrative leave*:* Unearned paid leave granted to an employee or group of employees for reasons determined to be in the best interest of the County.

1-3. Appointment*:* The formal assignment or promotion of an eligible applicant or employee to a full-time, part-time, term, or temporary position by a department director.

1-4. Base hourly salary*:* The base hourly salary for an employee is an amount equal to the annual salary for the employee's position, divided by the number of work hours per year normally assigned to the position. Base hourly salary is calculated on the basis of full-time salary and full-time work hours per year for a given position. The base hourly salary includes only pay differentials that apply even if the employee is not in work status, as, for example, if the employee is on paid leave. The base hourly salary does not include overtime or differentials, such as shift differentials, that are paid only if an employee is in work status.

1-5. Biweekly base salary*:* An employee's biweekly base salary is calculated by multiplying the employee's base hourly salary by the number of hours that the employee is normally scheduled to work in a pay period. (The use of an hourly salary to calculate the biweekly base salary of an FLSA-exempt employee does not imply that the employee is an hourly employee.)

1-6. Budget-level class*:* The highest-graded occupational class in an occupational series to which an employee may be promoted noncompetitively.

1-7. CAO*:* The Chief Administrative Officer or designee.

1-8. Career position*:* A full-time, part-time, or term merit system position.

1-9. Certified representative*:* An employee organization recognized under County law as the exclusive bargaining agent of employees in a bargaining unit.

1-10. Class specification*:* A written description of an occupational class that includes:

(a) the class title and pay grade or pay band;

(b) a summary of significant aspects of the work and supervisory relationships;

(c) examples of duties;

(d) minimum qualifications required to perform the work;

(e) medical requirements; and

(f) date established and revised.

1-11. Counseling*:* A discussion between an employee and supervisor to resolve the employee's conduct or performance problems.

1-12. Customized Employment Public Interns: Individuals with significant disabilities hired non-competitively on a short-term temporary basis to perform tasks for departments through the County that match the individual's interest, skills, and competencies with the department's needs.

1-13. Day*:* A period of 24 hours beginning at midnight.

1-14. Demotion*:* The formal assignment of an employee to a position:

(a) in a lower-graded occupational class; or

(b) on a different salary schedule at a lower salary.

A position reclassification or reallocation to a lower-graded occupational class under Section 9 of these Regulations is not a demotion.

1-15. Department*:* A department, principle office, or office of the County government, as described in Sections IA-201 and 203 of the County Code.

1-16. Department director*:* The administrative head of a department, principal office, or office of the County government, or designee, who serves as the appointing authority.

1-17. Disciplinary action*:* One of the following adverse personnel actions taken by a supervisor against an employee:

(a) oral admonishment;

(b) written reprimand;

(c) forfeiture of annual leave or compensatory time;

(d) within-grade salary reduction;

(e) suspension;

(f) demotion; or

(g) dismissal.

1-18. Domestic partner*:* A person who qualifies as a domestic partner of a County employee under County statute.

1-19. Due process*:* The right of a County employee to be afforded those procedural

protections expressly established by applicable provisions of the Charter, merit system law, and regulations in any matter affecting terms or conditions of employment.

1-20. Eligible list*:* The official list of applicants eligible for appointment or promotion to a vacant position.

1-21. Employee Medical Examiner or EME*:* A licensed physician who performs the following functions on behalf of the County:

(a) evaluates the functional abilities and limitations of an applicant or employee in relation to the individual's ability to perform essential job functions;

(b) acts as the medical review officer under drug and alcohol testing programs; and

(c) supervises clinical and administrative functions of the County's occupational medical programs and provides advice on medical issues.

1-22. Essential employee*:* An employee in a designated occupational class or position who must report to work during a period of general emergency or liberal leave.

1-23. Exempt employee*:* Incumbent of a position that is not eligible for overtime pay under the Fair Labor Standards Act (FLSA) because of an exemption in the law.

1-24. Family and Medical Leave Act leave or FMLA leave*:* Paid or unpaid leave granted to eligible employees under the Federal Family and Medical Leave Act (FMLA) of 1993 and the Montgomery County Employee Benefits Equity Act of 1999.

1-25. FLSA*:* The Fair Labor Standards Act.

1-26. Full-time employee*:* Incumbent of a full-time position.

1-27. Full-time position*:* A career position, including a term position, that:

(a) for employees who work 12-hour shifts, requires employment on a continuing year-round or school-year basis for 40 or more regularly scheduled hours per week during one week of the pay period and 36 or more regularly scheduled hours per week during the other week of the pay period; or

(b) for employees who do not work 12-hour shifts, requires employment for 40 or more regularly scheduled hours per week on a continuing year-round or school-year basis.

1-28. Furlough*:* A temporary, non-pay status for hours when an employee is normally scheduled to work but does not work for the County or receive pay from the County due to a lack of funds or work, as determined by the CAO.

1-29. General emergency*:* A period declared by the County Executive or CAO during which government offices are closed and public services are temporarily limited or not available

because of severe weather or other extraordinary conditions.

1-30. Genetic status*:* Discrimination based on genetic status includes discrimination based on:

(a) genetic information; or

b) the actual or perceived genetic condition of an employee or the employee's relative.

1-31. Grievance*:* A formal complaint of a merit system employee arising from a misunderstanding or disagreement between the employee and supervisor over a term or condition of employment.

1-32. Immediate family*:* As used in these Regulations, includes only the employee's:

(a) parent;

(b) stepparent;

(c) spouse or domestic partner;

(d) brother;

(e) sister;

(f) daughter or son;

(g) stepdaughter, stepson, or domestic partner's daughter or son;

(h) spouse's or domestic partner's parent;

(i) grandparent;

(j) spouse's or domestic partner's grandparent;

(k) granddaughter or grandson; and

(l) legal guardian.

1-33. Leave without pay or LWOP*:* An employee's approved unpaid absence from work.

1-34. Leave year*:* The annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period in which December 31 falls.

1-35. Liberal leave period*:* A period that is declared by the County Executive or *CAD* because of inclement weather or an emergency and during which most non-essential employees may use unscheduled annual leave, *PTD*, L WOP, or compensatory time without prior supervisory approval.

1-36. Local emergency*:* An emergency closing of a facility declared by the County Executive or *CAD* that:

(a) is caused by severe weather or an unusual condition such as a utility outage;

(b) is limited to a particular service or building; and

(c) causes specific government offices to close and specific public services to be temporarily limited or not available.

1-37. Management Leadership Service (MLS)*:* A program for merit system employees in high level positions who have responsibility for managing County programs and services or developing and promoting public policy for major programs and management functions, or both, that includes a broadband classification system, performance-based pay, and professional development opportunities.

1-38. Merit system employee*:* A person employed by the County in a full-time or part time career position, except those excluded by Section 2-2 of these Regulations.

1-39. Merit system position*:* A career position in the executive or legislative branch of the County government, the Office of the County Sheriff, or another position designated by County or State statute, except those excluded by Section 2-2 of these Regulations.

1-40. Merit system status*:* The condition achieved by a merit system employee who satisfactorily completes the required probationary period and is entitled to the rights and privileges described in these Regulations.

1-41. Montgomery County Employee Benefits Equity Act*:* A statute that provides benefits to a County employee's domestic partner to the same extent as an employee's spouse.

1-42. MSPB*:* The Merit System Protection Board.

1-43. Non-essential employee*:* An employee in an occupational class or position that is not designated as essential and who is usually not required to work during a general emergency or liberal leave period.

1-44. Non-exempt employee*:* An incumbent of a position that is eligible for overtime pay under the FLSA.

1-45. Occupational Medical Services or OMS. An organizational unit of the Office of Human Resources under the medical supervision of the Employee Medical Examiner with responsibility

for conducting medical evaluations of County employees and applicants for County jobs and providing other services related to the health and welfare of County employees.

1-46. OHR*:* The Office of Human Resources.

1-47. Overall rating*:* A summary rating in the employee's performance evaluation that best describes the employee's overall level of performance during the period covered by a performance plan.

1-48. Paid time off (PTO)*:* A type of leave granted to MLS employees in the Retirement Savings Plan that may be used as sick or annual leave.

1-49. Part-time employee*:* An incumbent of a part-time position.

1-50. Part-time position*:* A career position, including a term position that:

(a) requires employment for 20 to 39 regularly scheduled hours per week on a continuing year-round or school-year basis; or.

(b) is specially designated by the CAO and requires regular employment for 10 to 20 hours per week on a continuing year-round or school-year basis and approval by the Merit System Protection Board (MSPB).

1-51. Pay period*:* The official 2-week reporting period for time and attendance that determines the employee's biweekly compensation.

1-52. Performance evaluation*:* A supervisor's written evaluation of an employee's performance in relation to the expectations in the employee's performance plan. An evaluation may be an interim or annual evaluation. An interim evaluation may be conducted at any time during the review period.

1-53. Personnel action: An act or omission by a supervisor which has a significant adverse impact on the employee, or a change in the employee's duties or responsibilities which is inconsistent with the employee's grade and salary. It does not include an act or omission by a supervisor that is not subject to review by the Merit System Protection Board under Section 33-12 of the Montgomery County Code.

1-54. Position: A grouping of duties and responsibilities identified by a specific position number and assigned by the department director to be performed by an individual. The grouping of duties and responsibilities may be:

(a) career, term, or temporary; and

(b) full-time or part-time.

1-55. Position description*:* A document signed by the employee's department director that provides basic data for the classification of a position, including a list of the duties and

responsibilities assigned to the position.

1-56. Priority consideration*:* Consideration of a candidate for appointment, reassignment, or promotion to a vacant position before others are considered. It does not guarantee that the candidate will be selected for appointment, reassignment, or promotion.

1-57. Priority eligible list*:* The official list of applicants who have priority consideration and are eligible for reassignment or reemployment to a vacant position.

1-58. Probationary employee*:* A person who has not completed the required probationary period and gained merit system status and who is:

(a) a new employee recently hired into a full-time or part-time County position; or

(b) a former temporary employee recently appointed to a full-time or part-time County position.

1-59. Probationary period*:* The initial period after employment during which an employee must demonstrate proper attitude and ability in order to be granted merit system status.

1-60. Professional improvement leave or PIL*:* Administrative leave or leave without pay for the purpose of attending work-related conferences, training, or courses of study.

1-61. Project SEARCH Interns: A one-year job training program for young adults with intellectual and developmental disabilities who are either in their last year of high school or recent graduates in which these individuals serve as interns in County Departments and acquire marketable job skills.

1-62. Promotion*:* The formal assignment of an employee to a position:

(a) in a higher-graded occupational class; or

(b) on a different salary schedule accompanied by an increase in salary. The reclassification or reallocation of a position to a higher-graded occupational class under Section 9 of these Regulations is not a promotion.

1-63. Promotional probationary period*:* A period immediately following the promotion of an employee during which the employee must demonstrate the ability to perform the duties of the new position in order to remain in that position.

1-64. QUEST (Quality, Understanding, Excellence, Success, and Training) Interns: A partnership program between the County and the Maryland Department of Education Division of Rehabilitation Services (DORS) in which County residents with disabilities serve as volunteer interns in County Departments and work on special projects that help them develop marketable job skills.

1-65. Rating categories*:* The 4 descriptive terms used to characterize the overall level of an employee's performance: "Exceptional Performance", "Highly Successful Performance", "Successful Performance", and "Does Not Meet Expectations".

1-66. Reduction-in-force or RIF*:* The elimination of a position because of:

(a) lack of funds;

(b) change in an approved work program or plan;

(c) administrative reorganization; or

(d) technological change that affects staffing needs.

1-67. Regular hourly salary*:* The regular hourly salary for an employee is an amount equal to the annual salary for the employee's position, divided by the number of work hours per year normally assigned to the position. Regular hourly salary is calculated on the basis of full-time salary and full-time work hours per year for a given position. Regular hourly salary must include all pay differentials that apply.

1-68. Relative*:* As used in these Regulations, includes:

(a) the employee's immediate family as defined under Section 1 of these Regulations;

(b) the employee's aunt, uncle, niece, nephew, or first cousin;

(c) a sibling or grandchild of the employee's spouse or domestic partner; and

(d) the spouse of a member of the employee's immediate family.

1-69. Review period*:* The time period during which an employee's performance is reviewed and for which an overall rating is prepared.

1-70. Salary schedule*:* A series of pay grades or pay bands and the salary rate or range for each pay grade or pay band approved by the County Council under Code Section 33-11 (b).

1-71. Seasonal position*:* A type of temporary position that:

(a) does not involve year-round employment; and

(b) may be used indefinitely to perform work usually associated with a particular season, such as removing snow or collecting fallen leaves.

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.

1-73. 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.

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

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

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

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.

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

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.

1-80. 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.

1-81. 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.

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

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

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.

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

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

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