

**BEFORE THE
MERIT SYSTEM PROTECTION BOARD
FOR
MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF

**45 DEPARTMENT OF
POLICE EMPLOYEES,
APPELLANTS,**

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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Case No. 21-110

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ORDER ACCEPTING SETTLEMENT AGREEMENT

Appellants, 45 Police Leadership Service (PLS) employees of the Montgomery County Department of Police (MCPD), filed appeals with the Merit System Protection Board (Board or MSPB) challenging decisions of the County’s Chief Administrative Officer (CAO) denying them COVID-19 differential pay. On March 22, 2021, the Board ordered consolidation of the grievance appeals of 44 MCPD employees. The consolidated case was docketed and referenced in all subsequent pleadings as MSPB Case No. 21-110. On August 25, 2021, the consolidation order was amended to include a 45th appeal, that of appellant in MSPB Case No. 22-03.¹

On October 6, 2021, the parties notified the Board that they had reached a tentative agreement to resolve the consolidated appeals and stated that once they agreed to final written language they would request that the consolidated appeal be stayed so that the Montgomery County Council may consider a supplemental appropriation to fund the settlement. On October 28, 2021, the parties indicated that they were close to a final agreement but still negotiating certain details regarding some of the individual appellants. The parties jointly requested that the Board temporarily stay further proceedings pending final resolution of the settlement negotiations. The Board granted a stay on October 28.

On November 23, 2021, the parties filed a fully executed settlement agreement with the Board and requested that the Board stay further proceedings pending approval of funding for the

¹ The 45 consolidated appeals are MSPB Case Nos. 21-38 through 21-45, 21-47 through 21-54, 21-56 through 21-72, 21-74 through 21-76, 21-80, 21-83, 21-84, 21-86 through 21-89, 21-104, and 22-03.

agreement by the Montgomery County Council. On December 14, 2021, the Montgomery County Council unanimously approved the appropriation funding the settlement agreement.


The Board finds that it has jurisdiction to accept the settlement agreement into the record. MCPR § 35-15; MSPB Case No. 17-12 (2017); MSPB Case No. 16-10 (2016); MSPB Case No. 15-24 (2015). *Cf.*, *Pleshaw v. OPM*, 98 M.S.P.R. 478, 480 (2005). Pursuant to Montgomery County Personnel Regulations (MCPR), § 35-15(b), the MSPB retains jurisdiction to interpret and enforce the terms of the settlement agreement.

The Board has reviewed the settlement agreement carefully and notes that the settlement agreement is lawful on its face, that Appellants are represented by counsel, and that the agreement was freely entered into by the parties. MSPB Case No. 19-18 (2019); *McGann v. Department of Housing and Urban Development*, 56 M.S.P.R. 17, 18 (1992). Therefore, the Board agrees to accept the settlement agreement into the record.

Accordingly, the Board hereby **ORDERS**:

1. That the settlement agreement filed by the parties in this matter be entered into the Board's records;
2. That within 30 calendar days of this Order the County provide the Board with written certification, copied to Appellants, that it has fully implemented the terms of the settlement agreement;
3. That the appeals consolidated in MSPB Case No. 21-110 be and hereby are **DISMISSED** as settled;
4. That the Board will retain jurisdiction over any disputes that arise concerning the interpretation or enforcement of the settlement agreement.

For the Board
December 15, 2021


Harriet E. Davidson
Chair