

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

IN THE MATTER OF

**[REDACTED]
[REDACTED]**

APELLANTS,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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CASE NO. 25-07

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ORDER REQUESTING DECISION

On December 4, 2024, Appellants filed this direct grievance appeal with the Merit System Protection Board (MSPB or Board). Appellants' grievance concerns the failure of the Office of Human Resources to apply the 25-year longevity awards.

Under Montgomery County Personnel Regulation (MCPR) § 34-5, an employee may file a direct appeal with the MSPB in cases of demotion, suspension, termination, dismissal, or involuntary resignation. Appellants do not allege that their grievance involves any of those issues. Section 34-5 provides that an employee may appeal a Step 2 grievance decision of the County's Chief Administrative Officer (CAO) to the MSPB.

Even though Appellants claim that they have not yet received a Step 2 grievance decision of the CAO, they nevertheless filed this appeal with the Board. On the record before us the Board sees no reason to believe that adherence to the requirement that the grievance process be exhausted before appealing to the Board would be futile or unfair to Appellants. The Board thus concludes that the processing of Appellants' grievance appeal would benefit from adherence to the steps of the grievance procedure and a Step 2 decision by the CAO. The Board will hold this appeal in abeyance until the CAO has held a Step 2 meeting with Appellants and issued a written decision. MCPR § 34-9(a)(4) ("[i]f an employee files an appeal with the MSPB . . . before the CAO issues a written response to the grievance, the MSPB may choose not to process the appeal, return the appeal to the employee, and ask the CAO to respond to the grievance within a specific period of

time.”). At a Step 2 hearing Appellants may argue the issues and present the facts they believe support their grievance.

Accordingly, pursuant to MCPR § 34-9(a)(4), the Board hereby **ORDERS** that MSPB Case No. 25-07 be held in abeyance, that a Step 2 meeting be conducted by the CAO or his designee in accordance with the grievance regulations on or before **February 7, 2025**, and that the CAO provide a response to the grievance no later than **February 27, 2025**. Upon receiving the CAO’s response Appellants may either submit a written request that the Board resume processing their appeal or, if satisfied with the CAO’s response, withdraw their appeal.

The Board also encourages the parties to pursue alternative dispute resolution and engage in good faith settlement negotiations.

For the Board
January 8, 2025


Barbara S. Fredericks
Chair