



Office of Legislative Oversight

MONTGOMERY COUNTY, MARYLAND

100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850 • 301 279-1932

M E M O R A N D U M

November 18, 1980

TO: Mr. Martin Wish, Chairman, Merit System Review Commission
FROM: Andrew Mansinne, Jr., Director, Office of Legislative Oversight
SUBJECT: Report of the Merit System Review Commission

As requested, I briefed Council President Scott Fosler on the Merit System Review Commission's (MSRC) recent discussion concerning the submission of a MSRC interim report. I reviewed with Mr. Fosler that Council Resolution 9-702, adopted April 8, 1980, established the MSRC and directed that its final report be submitted no later than six months following appointment of its members (Commission members were appointed on July 15, 1980 by Council Resolution 9-888).

Council President Fosler agreed with the Commission's recommendation that the Commission submit an interim report prior to January 15, 1981, and submit a final report on/about July 15, 1981.

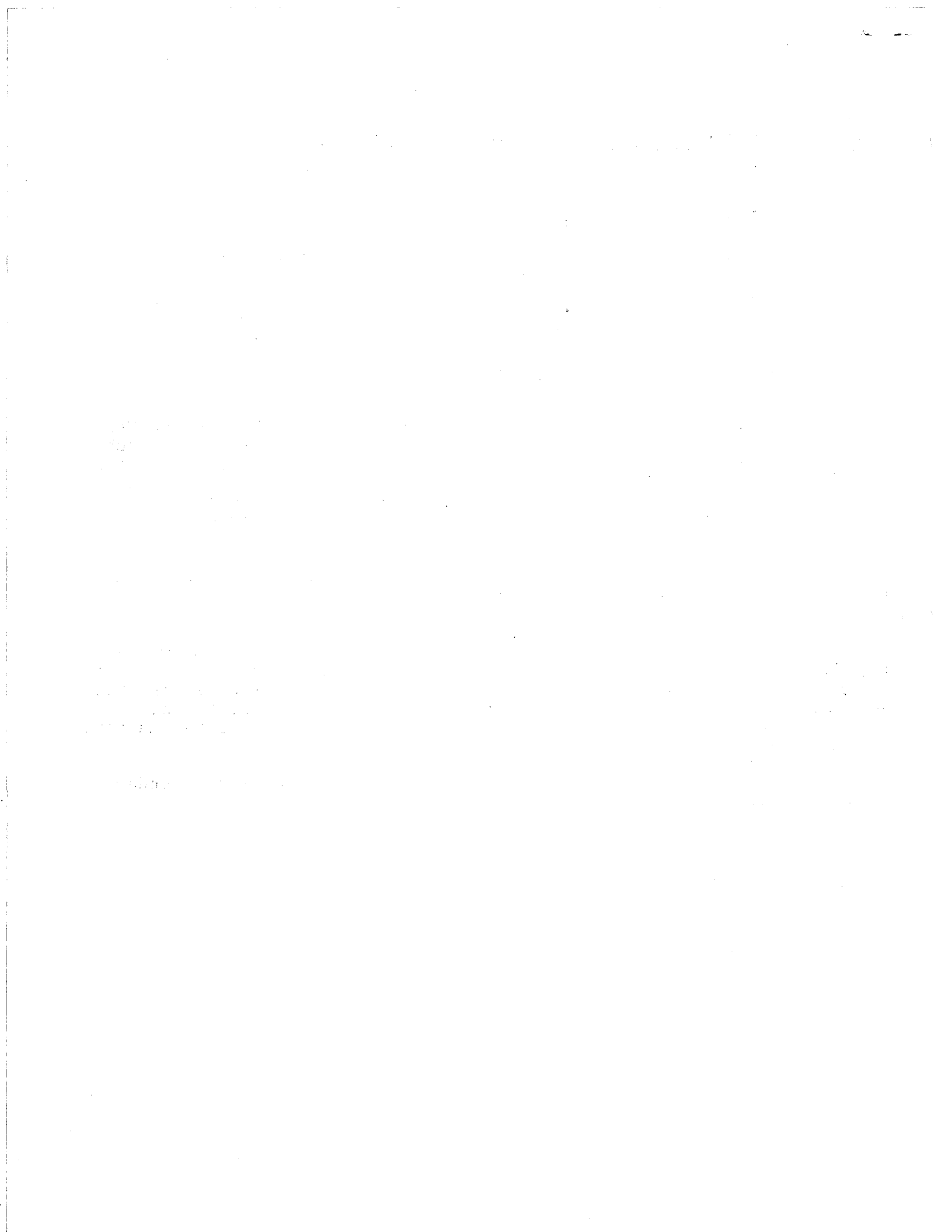
By extending the submission date of the final report to July 1981 the Commission will be able to assess the potential impact of the several actions which are currently in effect or are to be in effect in the very near future, to include the adoption of new Personnel Regulations, Charter amendments relating to the Personnel Board and personnel matters and employee attitude survey by the Personnel Board.

I will arrange for necessary scheduling on the Council's calendar to submit the interim and final reports.

AM:cls

cc: County Council
MSRC members
Robert C. McDonell
Margaret Knill
Justina Ferber

TAB D





MERIT SYSTEM REVIEW COMMISSION
MONTGOMERY COUNTY, MARYLAND

100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850

January 27, 1981

Honorable Ruth Spector, President
Montgomery County Council

Honorable Charles W. Gilchrist
County Executive
County Office Building
Rockville, Maryland 20850

Dear Mrs. Spector and Mr. Gilchrist:

The Merit System Review Commission submits herewith an interim report which summarizes the progress to date and the preliminary observations of the Merit System Review Commission (MSRC). Council Resolution 9-888 (July 15, 1980) appointed eleven persons to serve on the MSRC pursuant to the Comprehensive Merit System Law (Bill No. 36-78). Tab A lists members of the Commission. On August 4, 1980, the Commission held its initial organizational meeting and heard from certain Council members and the County Executive. Since that date, the Commission has held eight public working sessions or hearings to take testimony from County Officials, representatives of employee organizations, individual employees and concerned citizens. Tab B lists the witnesses appearing before the Commission.

Concomitant with the aforesaid hearings, a Steering Committee was appointed to define the scope, priority and focus of the Commission's work. On September 24, 1980, the Steering Committee submitted its report to the Commission (TAB C). On the Commission's adoption of the Steering Committee report, the Chairman appointed three committees to inquire further into the following areas:

- Committee 1: Assessment of the success in carrying out legislative intent and in employee-management relations.
- Committee 2: The recruitment, selection, appointment, career advancement and training process.
- Committee 3: Fair treatment and protection of employees.

Early on, the Commission took note of the general state of flux that currently seemed to characterize personnel administration throughout the County government and the apparent confusion among both employees and supervisors about what was happening or about to happen to the merit system. The anxiety and confusion seemed to stem from the following:

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- New personnel regulations which had been in the works for an extended period had still not been adopted.
- New grievance procedures were installed in August 1980.
- Meet and confer rules were recently liberalized to permit broader participation.
- Employee Relations Office with responsibility for grievance processing and affirmative action was transferred to the Personnel Department from the Office of the Chief Administrative Officer.
- Implementation of the Quantitative Job Evaluation System, designed to improve the classification process, was in doubt.
- Continued adverse publicity about possible merit system irregularities.
- County voters on November 4, 1980, approved Charter amendments revising the role of the Personnel Board and granting county police collective bargaining with binding arbitration.

In these circumstances it was evident the tenure of the Commission needed to be extended to allow for a more thorough review of the impact of the changes and changing situation. On November 18, 1980, the Council approved the Merit System Review Commission's recommendation that the Commission submit an interim report prior to January 15, 1981, and a final report on/about July 15, 1981. Tab D is a memorandum noting the extension.

The Commission, working as a body or through its three committees, has reviewed testimony, written submissions, related reports, pertinent laws and regulations, interviewed select groups of employees, met with a representative of the Minority Group Advisory Committee on personnel matters and made arrangements to conduct a series of one-on-one interviews with approximately 100 employees to supplement input obtained through public hearings. In its fact finding and deliberations, the Commission has developed a few preliminary observations which it wishes to share with the County Council and County Executive at this time. Some of these observations are tentative and need to be corroborated and confirmed. With this caveat, the Commission offers the following for the Council and Executive's information.

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- The full implementation of the Comprehensive Merit System Law (Bill 36-78) was inordinately delayed. The Personnel Regulations, modified pursuant to Bill 36-78, effective February 1979, were not finally approved until December 1980.
- There appears to be a lack of effective communications. Employees lack an awareness of personnel policies and procedures that affect them. Although the Commission understands that the Personnel Department is working toward the development of an employee handbook which will be helpful in this area, other facets of the problem need to be explored.
- There are problems with the grievance procedures. The principal problem seems to be the need for greater efforts to resolve grievances informally at the work site before they reach the formal stage. The possibility of introducing a single focal point for employee complaints, e.g. mediator or conciliator, needs further examination.
- There appears to be a need for more effective management training at all levels--particularly in such areas as merit system requirements, effective personnel management and administrative practices--as as to optimize employee motivation and productivity.
- The areas of classification, some facets of compensation, e.g. deferred compensation, salary differential, etc., and labor relations require early indepth study. The importance of identifying current or potential problems in these areas and developing timely recommendations for effective solutions cannot be overemphasized. It is doubtful, however, that the Commission can effectively explore these issues within the time frame and with the resources available.

The Commission took note of the professionalism, dedication and sincerity evidenced by the Personnel Office staff, members of the Merit System Protection Board (Personnel Board), management officials and employee representatives who appeared before the Commission.

The Commission views the County merit system as basically sound, although some areas may require strengthening.


We appreciate the cooperation of the Chief Administrative Officer and management officials, the County Council, the Merit System Protection Board and employee representatives. The Commission is

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particularly indebted to Andrew Mansinne, the Director of the Office of Legislative Oversight for his professional assistance and input and to Justina Ferber for her valued administrative assistance.

The Commission looks forward to submission of the final report by July 15, 1981.

Respectfully submitted,


Martin Wish
Chairman

MW:cls

Attachments

Resolution No: 9-888

Introduced: July 15, 1980

Adopted: July 15, 1980

COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Appointment of Merit System Review Commission

WHEREAS, Legislative Bill Number 36-78, enacted by the County Council on November 14, 1978, and which became effective on February 8, 1979, calls for the establishment of a Merit System Review Commission; and

WHEREAS, by County Council Resolution Number 9-702, April 8, 1980, the Merit System Review Commission was established;

NOW, THEREFORE, BE IT RESOLVED by the County Council for Montgomery County, Maryland, that —

1. The following persons are hereby appointed to the Merit System Review Commission by the County Council:

Robert Chin
10509 Tyler Terrace
Potomac, 20854

David Levy
11908 Canfield Road
Potomac, 20854

Gene Edwards
19439 Transhire Road
Gaithersburg, 20760

Donald Rubenstein
9523 Duffer Way
Gaithersburg, 20760

Tillie Kameron
10715 Clermont Street
Garrett Park, 20766

Martin Wish
1121 University Blvd.
Silver Spring, 20902

2. The following persons are hereby appointed to the Merit System Review Commission by the County Executive:

L. J. Andolsek
9609 Bull Run
Bethesda

Waddell Longus
14648 Tynewick Terrace
Silver Spring 20906

Leonard Burchman
9537 Lawnsberry Terrace
Silver Spring 20213

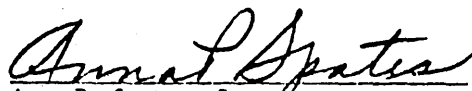
Frances Short
8080 Inverness Ridge Road
Potomac, 20854

Thomas Israel
3211 Wake Drive
Kensington, 20795

BE IT FURTHER RESOLVED that Martin Wish be appointed to serve as Chairman of the Merit System Review Commission

A true copy.

Attest.


Anna P. Spates, Secretary
of the County Council for
Montgomery County, Maryland

Witnesses Appearing Before the
Merit System Review Commission

Charles Gilchrist, County Executive
Elizabeth Scull, Councilmember
Neal Potter, Councilmember
William Colman, former Councilmember
Robert W. Wilson, Chief Administrative Officer
Clinton Hilliard, Personnel Director
Harriet Bernstein, Merit System Protection Board (Personnel Board)
Ernest Bailey, Jr., Merit System Protection Board
Robert Fredlund, Merit System Protection Board
Kathleen Dolan, County Employee, Library
Jesse Overton, County Employee, Office of Management and Budget
Mary Haub, County Employee, Health
Sharon S. Stoliaroff County Employee, Executive Management
Jean Cross, County Employee, Health
Audrey Carpenter, County Employee, Health
A.B. Waller, former County Employee
Margery Ware, County Employee, Family Resources
Bruce Adams, County citizen and Chairman, Charter Review Commission
Jacqueline Rogers, Director, Office of Management and Budget
William Mitchell, County Employee, Personnel
James Torgensen, County Employee, Personnel
Shirley Hartwell, County Employee, Personnel
Thomas Brewster, County Employee, Personnel
Jerry Feldman, County Employee, Personnel
Hilton Wade, County Employee, Personnel
Bernard Crooke, Director, Police Department
Brett Lazar, Director, Health Department

Robert Passmore, Director, Liquor Department

Agnes Griffen, Director, Library Department

Gerald Cichy, Director, Transportation Department

SUBJECT: MERIT SYSTEM REVIEW COMMISSION
Report of the Steering Committee

I. Proposed focus and priority of Commission inquiry.

-Intent of law and charter. Has the merit system fostered excellence, high individual competence, respect for the employee, harmonious and efficient government? Inquiry should focus on the role of the Chief Executive, Chief Administrative Officer, Office of the Management and Budget, and employee organizations, and should give priority to the leadership provided by these persons and entities in the implementation and administration of the law and charter.

- Recruitment, selection, training and advancement. Have these functions been carried out on the basis of merit? Inquiry should focus on the role of the Personnel Office, department and agency management/supervisory personnel, and give priority to entry examinations/interview/appointment process and practices in the selection of employees for training and advancement.

- Fair treatment and protection of applicants and employees. Have the procedures and provisions in these areas been effective? Inquiry should focus on the Personnel Board, Employees Relations Office and supervisory personnel, and give priority to whether supervisory authority had been abused in the administration of the disciplinary/greivance process and the policing of the EEO and whistle-blower provisions of the law.

- Encouragement of excellence and participation of employee organization in the merit process. Does system implementation encourage excellence? Does "meet and confer" result in real participation and has management sought to promote excellence via this channel? Inquiry should focus on the personnel performance appraisals, personnel regulations, and implementing administrative procedures, and should give priority to communications and interaction between management, supervisors and employees.

Note. The Committee does not recommend inquiry in the area of compensation as there was insufficient concern expressed in testimony before the Commission.

II. Proposed method of operation. It is recommended the Commission be organized into four committees to examine the major areas indicated:

- Intent of law and charter - two persons
- Recruitment and selection, etc. - three persons

- Fair treatment and protection - three persons
- Employee excellence and participation - two persons
- The chairman should coordinate the activities of the four committees and be an ex officio member of each.

Note. The Committees should obtain the views of individuals and employee organizations in its fact finding and deliberations. It is recommended that Commission members be asked to volunteer for committee assignments taking into consideration their experience, interest and inclination. Time available for committee work should be considered in committee composition.

III. Report preparation.

- Each committee should prepare a report for Commission consideration.

- Report should include a summary of relevant facts, findings, conclusions and recommendations, along with supporting documentation.

- The chairman will appoint a drafting committee at a later date to meld the four committee reports into a single commission report.

Comment The Steering Committee met three times to review oral and written testimony presented to the Commission. The Committee recognized the Commission could not inquire into all facets of the merit system and thus, deliberated on the major concerns evidenced by testimony. It was also mindful of the charge to review the system of checks and balances in-place for the promotion of merit system principals. The proposed four committees should be flexible in their work so adjustments of focus and priority could be effected to meet new information or circumstances of the situation.

Robert Chin, Chairman
Frances R. Short
Waddell Longus
Donald S. Rubenstein

24 Sept 80