

GO COMMITTEE #7  
May 2, 2019

Worksession

MEMORANDUM

April 30, 2019

TO: Government Operations and Fiscal Policy Committee  
FROM: <sup>JCA</sup> Jean C. Arthur, Legislative Analyst  
SUBJECT: **Worksession: FY20 Operating Budget - Merit System Protection Board**  
PURPOSE: Make recommendations on the FY20 budget for the Merit System Protection Board

*Those expected to attend this worksession include:*  
Michael Kator, Chair, Merit System Protection Board  
Bruce Martin, Executive Director, Merit System Protection Board  
Phil Weeda, Office of Management and Budget

**Budget Summary:**

- **The Executive's recommended budget for the Merit System Protection Board shows an overall increase of 3.91%. That increase reflects compensation adjustments and additional funding for transcripts. The total recommended budget is \$259,443 and 1.5 FTEs for two part-time positions.**

**Council Staff Recommendation:**

- **Council staff recommends that the budget for the Merit System Protection Board be approved as submitted.**

Relevant pages from the FY20 Recommended Operating Budget are attached on ©1-2.

**BACKGROUND**

The Montgomery County Charter sets the duties of the Merit System Protection Board. The Board has certain adjudicatory and oversight functions. In addition to the Charter, the Board is governed by the merit system law found in Chapter 33 of the Montgomery County Code, the Administrative Procedures Act, and the Montgomery County Personnel Regulations. The Board's mission is to oversee the merit system and protect County government employee and job applicant rights guaranteed under the merit system law.

**The Board:**

- hears three basic types of appeals: disciplinary actions; failure to receive an appointment or promotion; and grievance appeals.
- publishes on an annual basis abstracts of its decisions, rulings, and opinions on the various cases that come before it. Annual reports are available on the Board's [website](#).
- has review authority in the creation of new classifications and the revision of the Montgomery County Personnel Regulations.
- is required to hire an independent outside consultant to conduct an audit of the classification and compensation system. The most recent was completed in June 2018. The audit report, OHR's response, and the Board's recommendations are posted on the MSPB webpage.

The Merit System Protection Board is composed of three members who are appointed by the County Council, pursuant to Article 4, § 403 of the of Montgomery County Charter. Current members of the Merit System Protection Board are: Chair Michael J. Kator, Vice Chair Harriet E. Davidson, and Associate Member Angela Franco. Each member is appointed on a staggered basis to serve a term of three years. The Board conducts worksessions and hearings in the evenings as required. Members are compensated with an annual salary as prescribed by law. The Board is supported with a part-time Executive Director and Office Services Coordinator.

**BUDGET OVERVIEW**

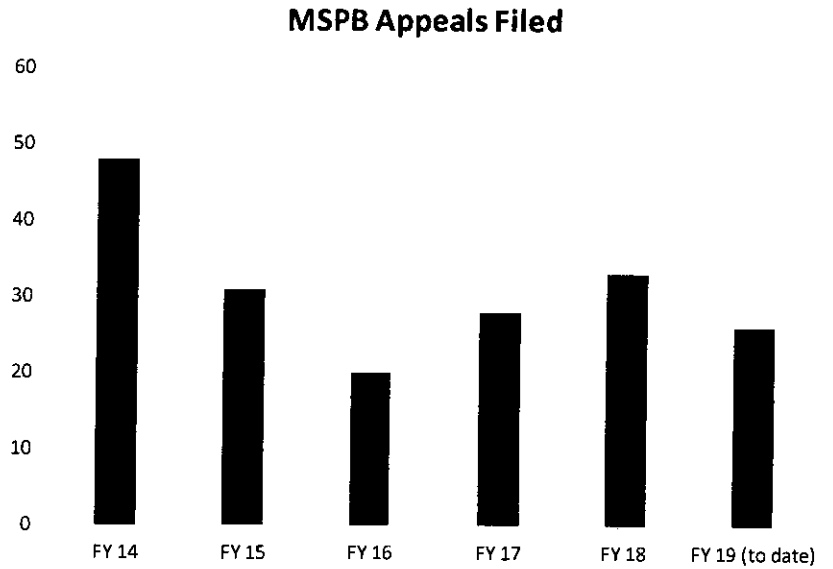
For FY20, the County Executive recommends a total of \$259,443, an increase of \$9,754 or 3.91 percent. The recommended budget funds two part-time positions for 1.5 FTEs.

	<i>FY18 Actual</i>	<i>FY19 Approved</i>	<i>FY20 Recommended</i>
<b><i>Expenditures by fund</i></b>			
General Fund	\$237,123	\$249,689	\$259,443
<b><i>Expenditures by type</i></b>			
Personnel Cost	\$230,349	\$239,185	\$244,939
Operating Expenses	\$6,774	\$10,504	\$14,504
<b><i>Total Expenditures</i></b>	<b>\$237,123</b>	<b>\$249,689</b>	<b>\$259,443</b>
<b><i>Positions</i></b>			
Full-Time	0	0	0
Part-Time	2	2	2
<b><i>FTEs</i></b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>

## FY20 UPDATES

### MSPB Appeals Filed FY14 - FY19

FY 14	48
FY 15	31
FY 16	20
FY 17	28
FY 18	33
FY 19 (to date)	26



As mentioned before, MSPB hears appeals on various types of personnel actions. The chart above gives a visual history of filings over recent years.



# Merit System Protection Board

**RECOMMENDED FY20 BUDGET**  
**\$259,443**

**FULL TIME EQUIVALENTS**  
**1.50**

☀ **BRUCE MARTIN, EXECUTIVE DIRECTOR**

## MISSION STATEMENT

The mission of the Merit System Protection Board is to oversee the merit system and protect employee and job applicant rights guaranteed under the merit system law.

## BUDGET OVERVIEW

The total recommended FY20 Operating Budget for the Merit System Protection Board is \$259,443, an increase of \$9,754 or 3.91 percent from the FY19 Approved Budget of \$249,689. Personnel Costs comprise 94.41 percent of the budget for no full-time position(s) and two part-time position(s), and a total of 1.50 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 5.59 percent of the FY20 budget.

## COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

◆ **Effective, Sustainable Government**

## PROGRAM CONTACTS

Contact Bruce Martin of the Merit System Protection Board at 240.777.6622 or Naeem M. Mia of the Office of Management and Budget at 240.777.2786 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### ☀ **Merit System Oversight**

The Merit System Protection Board oversees the merit system and protects employee and job applicant rights guaranteed under the merit system, conducts or authorizes periodic audits of the classification system, comments on any proposed changes in the merit system law or regulations, reviews the need to amend laws or regulations, and adjudicates appeals from grievances, removals,

demotions, and suspensions upon request of the employee. Personnel Management Oversight includes investigations, audits, or special studies of all aspects of the merit system. The Board also publishes an annual report.

## BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Recommended FY20	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	183,745	190,487	193,138	193,532	1.6 %
Employee Benefits	46,604	48,698	48,802	51,407	5.6 %
<b>County General Fund Personnel Costs</b>	<b>230,349</b>	<b>239,185</b>	<b>241,940</b>	<b>244,939</b>	<b>2.4 %</b>
Operating Expenses	6,774	10,504	10,504	14,504	38.1 %
<b>County General Fund Expenditures</b>	<b>237,123</b>	<b>249,689</b>	<b>252,444</b>	<b>259,443</b>	<b>3.9 %</b>
<b>PERSONNEL</b>					
Full-Time	0	0	0	0	—
Part-Time	2	2	2	2	—
FTEs	1.50	1.50	1.50	1.50	—

## FY20 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY19 ORIGINAL APPROPRIATION</b>	<b>249,689</b>	<b>1.50</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY20 Compensation Adjustment	7,096	0.00
Increase Cost: Transcript Costs [Merit System Oversight]	4,000	0.00
Decrease Cost: Annualization of FY19 Personnel Costs	(1,342)	0.00
<b>FY20 RECOMMENDED</b>	<b>259,443</b>	<b>1.50</b>

## FUTURE FISCAL IMPACTS

CE RECOMMENDED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY20 Recommended</b>	<b>259</b>	<b>259</b>	<b>259</b>	<b>259</b>	<b>259</b>	<b>259</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>259</b>	<b>260</b>	<b>260</b>	<b>260</b>	<b>260</b>	<b>260</b>

