

Resolution No.: 15-1068
Introduced: July 12, 2005
Adopted: July 12, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 19-04AM, Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations

Background

1. On May 10, 2005, the County Council received Executive Regulation 19-04, Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations, from the County Executive.
2. Executive Regulation 19-04 is processed under Method 1, and is not adopted until the County Council approves it.
3. The Management and Fiscal Policy Committee reviewed Executive Regulation 19-04 on June 20, 2005, and recommended certain amendments. The Committee recommends approval as amended.
4. The Executive reissued the subject regulation incorporating the Committee's recommended amendments, and re-numbered it Executive Regulation 19-04AM to indicate that it was amended after transmittal to the Council.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 19-04AM, Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations, is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations	Number 19-04AM
Originating Department Office of Human Resources	Effective Date July 12, 2005

Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations

Executive Regulation No. 19-04AM

Issued by: County Executive

Supersedes: None

Authority: Montgomery County Code, 1994, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 21, Issue 11

Comment deadline: December 1, 2004

Effective date: July 12, 2005

Summary: This regulation amends the Personnel Regulations to: add references to new salary schedules for deputy sheriffs, deputy sheriff managers, and correctional managers; require direct deposit of paychecks for some employees; provide for 12-hour shifts; change stand-by pay to the higher of 15 percent of salary or \$4 per hour; provide court time compensation for certain employees; provide Automotive Service Excellence incentive pay for certain employees; allow an employee to transfer annual leave to a spouse employed by the County to use for childcare; allow an employee to receive administrative leave for an on-the-job injury until a decision is made on the employee's eligibility for Workers' Compensation benefits; incorporate certain changes required by the Federal Transit Administration; and incorporate technical changes.

Address for comments Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Carol Rollins, 240-777-5052, or carol.rollins@montgomerycountymd.gov

This is a clean copy of the regulation that shows how it will appear after the amendments are incorporated. Use the key below when reading this regulation:

Boldface

* * *

Heading or defined term.

Existing language unchanged by executive regulation.



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Subject Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations	Number 19-04AM
Originating Department Office of Human Resources	Effective Date

SECTION 9. CLASSIFICATION

* * *

9-3. Classification plan.

* * *

(d) Allocation of a class to a pay grade or pay band.

(1) Review of a class.

(A) Pay for the classes on the salary schedules listed below is not determined by the use of a job evaluation system. Instead, pay is determined through the mechanism indicated:

- (i) police bargaining unit, deputy sheriffs in the OPT bargaining unit, and the firefighter/rescuer bargaining unit – collective bargaining;
- (ii) minimum wage/seasonal – Federal minimum wage is key reference for salary schedule structure;
- (iii) sworn police managers – criteria in County Code Section 33-11(b)(8);
- (iv) uniformed fire/rescue managers - criteria in County Code Section 33-11(b)(9);
- (v) sworn deputy sheriff managers – criteria in County Code Section 33-11(b)(10);
- (vi) uniformed correctional managers – criteria in County Code Section 33-11(b)(11); and

* * *



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Subject Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations	Number 19-04AM
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SECTION 10. EMPLOYEE COMPENSATION

* * *

10-3. Uniform salary plan.

(a) The uniform salary plan consists of salary schedules authorized in Code Section 33-11(b) for:

- (1) employees represented by certified employee organizations;
- (2) minimum wage/seasonal employees;
- (3) sworn police managers;
- (4) uniformed fire/rescue managers;
- (5) sworn deputy sheriff managers;
- (6) uniformed correctional managers;
- (7) employees in positions in the Management Leadership Service; and
- (8) a general salary schedule for all other employees.

* * *

(g) The CAO must ensure that all occupational classes that require comparable experience and have comparable duties, responsibilities, and authority are paid comparable salaries that reflect the relative value of the services performed, except for occupational classes on the following salary schedules:

- (1) police bargaining unit;
- (2) fire/rescue bargaining unit;
- (3) deputy sheriffs in the OPT bargaining unit;
- (4) minimum wage/seasonal;
- (5) sworn police managers;
- (6) uniformed fire/rescue managers;
- (7) sworn deputy sheriff managers;



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- (8) uniformed correctional managers; and
- (9) Management Leadership Service.

* * *

10-4. Payroll policies.

* * *

- (g) **Direct deposit.** An employee hired on or after July 1, 2004, must, as a condition of employment, agree to have the County deposit the employee's biweekly pay directly in the employee's account at a bank, credit union, or other comparable government-regulated financial institution.

* * *

10-7. Overtime compensation.

* * *

Normal Overtime Compensation Thresholds for County Employees			
Type of position	Threshold during regular workday	* * *	* * *
Non-exempt employee	8-12 hours, depending on number of hours in normal workday	* * *	* * *
Exempt employee, grade 24 or below	8-12 hours, depending on number of hours in normal workday	* * *	* * *
* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *
Exempt employee, grade 25 or above	13-17 hours, depending on number of hours in normal workday	* * *	* * *
* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *

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Subject Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations	Number 19-04AM
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10-11. Stand-by pay.

- (a) If a department director requires an employee to remain ready during off-duty hours to perform unscheduled and unanticipated work, the County must pay stand-by compensation to the employee at the higher of the following rates:
- (1) 15 percent of an employee's regular hourly salary; or
 - (2) \$4.00 per hour.

* * *

10-18. Court time compensation. The County must compensate an employee in a position in the Correctional Officer, Correctional Specialist, or Deputy Sheriff occupational series as follows, if the employee is required by the employer to attend court or a Motor Vehicle Administration (MVA) hearing on the employee's day off or during times that are not the employee's regularly scheduled work hours:

- (a) the employee must be compensated for at least 3 hours at 1½ times the employee's regular hourly rate, regardless of the actual time spent in court or an MVA hearing;
- (b) if the employee works longer than 3 hours, the employee must be compensated for all hours spent in court or in an MVA hearing at 1½ times the employee's regular hourly rate; and
- (c) if the employee is required to appear in court 2 or more times during the initial 3-hour period, the employee will not receive additional compensation for a later appearance until 3 hours have elapsed since the employee initially appeared in court that day.

10-19. Automotive Service Excellence (ASE) incentive pay.

- (a) **Purpose of ASE incentive pay program.** The purpose of the ASE incentive pay program is to encourage all eligible employees in the Division of Fleet



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Management Services, Department of Public Works and Transportation, to increase their knowledge of the latest technology in the field of vehicle maintenance by compensating them for obtaining ASE certifications, recertifications, and master certifications.

- (b) **Eligibility for ASE incentive pay.** An employee of the Division of Fleet Management Services, Department of Public Works and Transportation, is eligible to receive the ASE incentive pay described in paragraph (c) if:
- (1) the employee takes and passes an examination administered by ASE and obtains a certification or recertification that is relevant to the employee's job duties or the employee obtains a master certification by obtaining the required number of certifications;
 - (2) the employee:
 - (A) directly works on or supervises those who work on County vehicles and equipment;
 - (B) trains or supports those who work on County vehicles and equipment;
 - (C) inspects County vehicles and equipment; or
 - (D) provides technical expertise, quality assurance, or warranty administration on County vehicles and equipment; and
 - (3) the employee's job performance and job-related conduct are satisfactory.
- (c) **Amount of ASE certification pay.** The County may compensate an eligible employee with ASE certification pay as follows:



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ASE Certification	Amount of Incentive	Limitation on incentive
Certification or recertification for which employee must take valid examination and receive a passing score	\$100 per year for each year that certification is valid	Employee may receive incentive for no more than 20 certifications per year
Master certification for obtaining required number of certifications (no additional examination is required)	\$1,000 per year for each year that master certification is valid	Employee may receive incentive for no more than 2 master certifications per year
Total certifications or recertifications and master certifications	---	Employee may receive no more than \$4,000 annually in ASE certification pay

* * *

SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

* * *

15-3. Workday and workweek.

(a) *Normal workday.*

- (1) The normal workday for a full-time County employee is not less than 8 hours or more than 12 hours, except for a uniformed fire/rescue employee.

* * *

15-4. Alternate work schedules.

* * *

(c) *Job Sharing.*

- (1) *Employee request to job share.* When an employee wishes to job share, the employee must submit a job sharing plan to the supervisor. If 2 employees wish to share one job, they must both develop the job sharing plan. The plan should include the method of sharing job duties and hours of work for each participant.



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(2) **Review of job sharing plan.**

(A) The supervisor must review the plan and meet with the employee or employees to discuss the plan. The supervisor should suggest any adjustments to the plan necessary to maintain the effectiveness of the work unit. If the supervisor and employee or employees agree, they must sign a completed *Job Sharing Agreement* (Appendix J) and submit it to the department director for approval. If they cannot agree, the supervisor must submit to the department director a written summary of the areas of agreement and disagreement and a copy of the proposed plan.

(B) A department director must review the requested job sharing arrangement under the following criteria:

* * *

(C) After reviewing the job sharing plan, the department director must:

* * *

(D) The department director must give a copy of the approved or disapproved plan to the employee or employees, ensure that a copy is placed in each employee's department operating file, and send a copy to the OHR Director. If the plan is not approved, the department director must give the employee or employees the reason for not approving the request.

(3) **Creation of job sharing positions and status of employee who job shares.**

(A) If the department director approves a plan submitted by one employee, the department director must:

* * *



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- (B) If the department director approves a plan submitted by 2 employees, the department director must ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position for the second employee.
- (C) The department director must treat the job sharing positions as part-time positions and the employees assigned to the positions as part-time employees subject to the terms and conditions of part-time employment.
- (D) If one of the job-sharing employees leaves, the department director may:
 - * * *
- (E) If the department director dissolves the job sharing agreement and the remaining employee refuses to return to a full-time position, the department director may abolish the part-time position and conduct a RIF under Section 30 of these Regulations.
 - * * *

SECTION 16. ANNUAL LEAVE

* * *

16-6. Scheduling use of annual leave.

* * *

- (d) A supervisor should approve or deny an employee's annual leave request within 5 business days after the supervisor receives the request, unless there are extenuating circumstances that prevent the supervisor from approving the request during that time period.

* * *



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16-13. Transfer of annual leave between spouses for childcare.

- (a) An employee who is married to another County employee may transfer annual leave to the employee's spouse to enable the spouse to use the leave to care for a child or children. The employee, the employee's spouse, or both must have legal responsibility for the care of the child or children.
- (b) The spouse must use the leave to care for:
 - (1) a child or children under the age of 13; or
 - (2) an older child with a medically certified disability that makes the child incapable of self care.
- (c) The employee must complete an *Annual Leave Transfer* form (Appendix N) and submit the form to the Payroll Section of the Department of Finance. The employee's spouse must sign the form to indicate that he or she has agreed to accept the transferred leave and the spouse's supervisor must sign the form indicating that the employee's spouse is eligible to use the transferred leave under the terms of this subsection of these Regulations.
- (d) An employee may transfer leave to the employee's spouse only in increments of 40 hours.

* * *

SECTION 21. ADMINISTRATIVE LEAVE

* * *

21-1. Authorized uses of administrative leave. The CAO may grant administrative leave to an employee:

* * *

- (h) for military service or military training under Section 22 of these Regulations;



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- (i) who is injured on the job, until the Risk Management Division of the Department of Finance determines if the employee is eligible for disability leave; and
- (j) under other circumstances where the CAO determines that granting administrative leave is in the best interest of the County.

* * *

21-3. Limits on administrative leave for injury on the job. If the Risk Management Division of the Department of Finance determines that an employee is not eligible for Workers' Compensation benefits for an injury on the job, the County must adjust the employee's leave balances or pay to reimburse the County for the administrative leave that the employee was granted for the injury on the job. The County should deduct leave from the employee's leave balances first but, if the employee has no leave, may take the value of the leave from the employee's pay.

21-4. Appeal of administrative leave decision. * * *

* * *

SECTION 30. REDUCTION-IN-FORCE AND FURLOUGH

* * *

30-10. Priority consideration resulting from RIF; reinstatement of displaced employees.

* * *

- (j) **Responsibilities of OHR Director when RIF is concluded.** At the conclusion of a RIF within a department, the OHR Director must rescind the notice of intent and priority consideration rights for affected employees who were not displaced.

* * *



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SECTION 32. PREVENTION OF PROHIBITED DRUG USE AND ALCOHOL MISUSE BY SAFETY-SENSITIVE TRANSIT EMPLOYEES UNDER FEDERAL TRANSIT ADMINISTRATION REGULATIONS

32-1. Purpose. This section of the Personnel Regulations is intended to ensure that the County complies with:

- (a) Federal Transit Administration (FTA) regulations (49 CFR Part 655, as amended) on the prevention of prohibited drug use and alcohol misuse by mass transit employees; and

* * *

32-3. Drug and alcohol prohibitions.

* * *

- (d) **Refusal to submit to drug or alcohol testing.** Any of the following on the part of an employee is considered a refusal to submit to drug or alcohol testing and is considered to be the same as a verified positive drug test or an alcohol test with an alcohol concentration of 0.04 or higher:

* * *

- (7) failing to remain at the testing site until the testing process is complete, but an employee who leaves the testing site before the testing process begins for a pre-employment test has not refused to test;
- (8) failing to undergo a medical evaluation as required by the Medical Review Officer or as directed by the County as part of the verification process;
- (9) in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a specimen; or
- (10) failing to sign the certification at Step 2 of the Alcohol Testing Form.

* * *



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32-5. Types of drug and alcohol testing.

* * *

(a) ***Pre-employment and pre-duty drug testing.***

* * *

(3) If an employee in a Safety-Sensitive Transit position or an applicant for a Safety-Sensitive Transit position has previously failed or refused a pre-employment drug test administered under FTA regulations, the employee or applicant must provide the County with proof of having successfully completed a referral, evaluation, and treatment plan as described in FTA regulations.

* * *

(d) ***Random testing.***

* * *

(7) If an employee or applicant for a Safety-Sensitive Transit position has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in the random selection pool during that time, the County must ensure that the employee or applicant takes a pre-employment drug test with a verified negative result before allowing the employee or applicant to perform Safety-Sensitive Transit functions.

* * *

(f) ***Follow-up testing.*** The County must ensure that an employee who returns to duty after a required evaluation by a SAP under Section 32-8 is subject to unannounced follow-up drug testing, alcohol testing, or both, as follows:



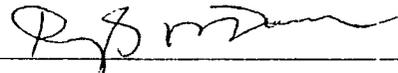
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- (1) the employee must take at least 6 unannounced follow-up tests during the first 12 months after the employee returns to duty and is subject to follow-up testing for a period of one to 5 years;
- (2) the SAP must determine, based on the SAP's assessment of the employee's unique situation and recovery progress, the frequency and duration of follow-up testing beyond the minimums that will deter or detect a relapse; and
- (3) follow-up testing is in addition to random, post-accident, reasonable suspicion, and return-to-duty testing.

* * *

Approved: 
Douglas M. Duncan, County Executive

6/2/05
Date

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF THE COUNTY ATTORNEY
BY David Stevenson
DATE June 28, 2005



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject Amendments to Sections [[1,]] 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations	Number 19-04AM
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Amendments to Sections **[[1,]]** 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations

Executive Regulation No. 19-04AM

Issued by: County Executive

Supersedes: None

Authority: Montgomery County Code, 1994, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 21, Issue 11

Comment deadline: December 1, 2004

Effective date: _____

Summary: This regulation amends the Personnel Regulations to: **[[include persons of the opposite sex as domestic partners;]]** add references to new salary schedules for deputy sheriffs, deputy sheriff managers, and correctional managers; require direct deposit of paychecks for some employees; provide for 12-hour shifts; change stand-by pay to the higher of 15 percent of salary or \$4 per hour; provide court time compensation for certain employees; provide Automotive Service Excellence incentive pay for certain employees; allow an employee to transfer annual leave to a spouse employed by the County to use for childcare; allow an employee to receive administrative leave for an on-the-job injury until a decision is made on the employee's eligibility for Workers' Compensation benefits; incorporate certain changes required by the Federal Transit Administration; and incorporate technical changes.

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Please use the key below when reading this regulation:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing regulation by proposed regulation.</i>
[Single boldface brackets]	<i>Deleted from existing regulation by proposed regulation.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
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* * *	<i>Existing language unchanged by executive regulation.</i>



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[[SECTION 1. DEFINITIONS

* * *

1-17. **Domestic partner:** A person of the same or opposite sex who qualifies as a domestic partner of a County employee [under County statute].]

* * *

SECTION 9. CLASSIFICATION

* * *

9-3. **Classification plan.**

* * *

(d) **Allocation of a class to a pay grade or pay band.**

(1) **Review of a class.**

(A) Pay for the classes on the salary schedules listed below is not determined by the use of a job evaluation system. Instead, pay is determined through the mechanism indicated:

- (i) police bargaining unit, deputy sheriffs in the OPT bargaining unit, and the firefighter/rescuer bargaining unit – collective bargaining;
- (ii) minimum wage/seasonal – Federal minimum wage is key reference for salary schedule structure;
- (iii) sworn police managers – criteria in County Code Section 33-11(b)(8); [and]
- (iv) uniformed fire/rescue managers - criteria in County Code Section 33-11(b)(9):

[[iv]]



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(v) sworn deputy sheriff managers – criteria in County Code Section 33-11(b)~~[[9]](10); and~~

~~[[v]]~~

(vi) uniformed correctional managers – criteria in County Code Section 33-11(b) ~~[[10]; and]] (11).~~

~~[[vi)]~~ uniformed fire/rescue managers - criteria in County Code Section 33-11(b)~~[(9)] (11).]~~

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SECTION 10. EMPLOYEE COMPENSATION

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10-3. Uniform salary plan.

(a) The uniform salary plan consists of salary schedules authorized in Code Section 33-11(b) for:

- (1) employees represented by certified employee organizations;
- (2) minimum wage/seasonal employees;
- (3) sworn police managers;

(4) uniformed fire/rescue managers;

~~[[4]]~~

(5) sworn deputy sheriff managers;

~~[[5]]~~

(6) uniformed correctional managers;

~~[[(4)]~~

(6) uniformed fire/rescue managers;]

~~[(5)]~~

(7) employees in positions in the Management Leadership Service; and



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[(6)]

(8) a general salary schedule for all other employees.

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(g) The CAO must ensure that all occupational classes [involving] that require comparable experience and have comparable duties, [experience,] responsibilities, and authority are paid comparable salaries that reflect the relative value of the services performed, except for occupational classes on the following salary schedules:

(1) police bargaining unit;

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(3) deputy sheriffs in the OPT bargaining unit;

[(3)]

(4) minimum wage/seasonal;

[(4)]

(5) sworn police managers;

[(5)]

(6) uniformed fire/rescue managers;

[(6)]

(7) sworn deputy sheriff managers;

[(7)]

(8) [[sworn]] uniformed correctional managers; and

[[(5)]]

(8) uniformed fire/rescue managers; and]]

[(6)]

(9) Management Leadership Service.

* * *



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10-4. Payroll policies.

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- (g) Direct deposit. An employee hired on or after July 1, 2004, must, as a condition of employment, agree to have the County deposit the employee's biweekly pay directly in the employee's account at a bank, credit union, or other comparable government-regulated financial institution.

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* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *
Exempt employee, grade 25 or above	[13-15] 13-17 hours, depending on number of hours in normal workday	* * *	* * *
* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *

* * *

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stand-by compensation to the employee at [the rate of] the higher of the following rates:

- (1) 15 percent of an employee's regular hourly salary; or
- (2) \$4.00 per hour.

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10-18. Court time compensation. The County must compensate an employee in a position in the Correctional Officer, Correctional Specialist, or Deputy Sheriff occupational series as follows, if the employee is required by the employer to attend court or a Motor Vehicle Administration (MVA) hearing on the employee's day off or during times that are not the employee's regularly scheduled work hours:

- (a) the employee must be compensated for at least 3 hours at 1½ times the employee's regular hourly rate, regardless of the actual time spent in court or an MVA hearing;
- (b) if the employee works longer than 3 hours, the employee must be compensated for all hours spent in court or in an MVA hearing at 1½ times the employee's regular hourly rate; and
- (c) if the employee is required to appear in court 2 or more times during the initial 3-hour period, the employee will not receive additional compensation for a later appearance until 3 hours have elapsed since the employee initially appeared in court that day.

10-19. Automotive Service Excellence (ASE) incentive pay.

- (a) Purpose of ASE incentive pay program. The purpose of the ASE incentive pay program is to encourage all eligible employees in the Division of Fleet Management Services, Department of Public Works and Transportation, to increase their knowledge of the latest technology in the field of vehicle



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maintenance by compensating them for obtaining ASE certifications, recertifications, and master certifications.

(b) Eligibility for ASE incentive pay. An employee of the Division of Fleet Management Services, Department of Public Works and Transportation, is eligible to receive the ASE incentive pay described in paragraph (c) if:

(1) the employee takes and passes an examination administered by ASE and obtains a certification or recertification that is relevant to the employee's job duties or the employee obtains a master certification by obtaining the required number of certifications;

(2) the employee:

(A) directly works on or supervises those who work on County vehicles and equipment;

(B) trains or supports those who work on County vehicles and equipment;

(C) inspects County vehicles and equipment; or

(D) provides technical expertise, quality assurance, or warranty administration on County vehicles and equipment; and

(3) the employee's job performance and job-related conduct are satisfactory.

(c) Amount of ASE certification pay. The County may compensate an eligible employee with ASE certification pay as follows:



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<u>ASE Certification</u>	<u>Amount of Incentive</u>	<u>Limitation on incentive</u>
<u>Certification or recertification for which employee must take valid examination and receive a passing score</u>	<u>\$100 per year for each year that certification is valid</u>	<u>Employee may receive incentive for no more than 20 certifications per year</u>
<u>Master certification for obtaining required number of certifications (no additional examination is required)</u>	<u>\$1,000 per year for each year that master certification is valid</u>	<u>Employee may receive incentive for no more than 2 master certifications per year</u>
<u>Total certifications or recertifications and master certifications</u>	---	<u>Employee may receive no more than \$4,000 annually in ASE certification pay</u>

* * *

SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

* * *

15-3. Workday and workweek.

(a) *Normal workday.*

- (1) The normal workday for a full-time County employee is not less than 8 hours or more than [10] 12 hours, except for a uniformed fire/rescue employee.

* * *

15-4. Alternate work schedules.

* * *

(c) *Job Sharing.*

- (1) [Policy on Job Sharing] Employee request to job share.

[(A)] When an employee wishes to job share, the employee must submit a job sharing plan to the supervisor. If 2 employees wish to share one job, they must both develop the job sharing plan. The plan



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should include the method of sharing job duties and hours of work for each participant.

(2) Review of job sharing plan.

[(B)]

(A) The supervisor must review the plan and meet with the employee or employees to discuss the plan. The supervisor should suggest any adjustments to the plan necessary to maintain the effectiveness of the work unit. If the supervisor and employee or employees agree, they must sign a completed *Job Sharing Agreement* (Appendix J) and submit it to the department director for approval. If they cannot agree, the supervisor must submit to the department director a written summary of the areas of agreement and disagreement and a copy of the proposed plan.

[(C)]

(B) A department director must review the requested job sharing arrangement under the following criteria:

* * *

[(D)]

(C) After reviewing the job sharing plan, the department director must:

* * *

[(E)]

(D) The department director must give a copy of the approved or disapproved plan to the employee or employees, ensure that a copy is placed in each employee's department operating file, and send a copy to the OHR Director. If the plan is not approved, the



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department director must give the employee or employees the reason for not approving the request.

(3) Creation of job sharing positions and status of employee who job shares.

[(F)]

(A) If the department director approves a plan submitted by one employee, the department director must:

* * *

[(G)]

(B) If the department director approves a plan submitted by 2 employees, the department director must ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position for the second employee.

[(H)]

(C) The department director must treat the job sharing positions as part-time positions and the employees assigned to the positions as part-time employees subject to the terms and conditions of part-time employment.

[(I)]

(D) If one of the job-sharing employees leaves, the department director may:

* * *

[(J)]

(E) If the department director dissolves the job sharing agreement and the remaining employee refuses to return to a full-time position,



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the department director may abolish the part-time position and conduct a RIF under Section 30 of these Regulations.

* * *

SECTION 16. ANNUAL LEAVE

* * *

16-6. Scheduling use of annual leave.

* * *

- (d) A supervisor should approve or deny an employee's annual leave request within 5 business days after the supervisor receives the request, unless there are extenuating circumstances that prevent the supervisor from approving the request during that time period.

* * *

16-13. Transfer of annual leave between spouses for childcare.

- (a) An employee who is married to another County employee may transfer annual leave to the employee's spouse to enable the spouse to use the leave to care for a child or children. The employee, the employee's spouse, or both must have legal responsibility for the care of the child or children.
- (b) The spouse must use the leave to care for:
 - (1) a child or children under the age of 13; or
 - (2) an older child with a medically certified disability that makes the child incapable of self care.
- (c) The employee must complete an Annual Leave Transfer form (Appendix N) and submit the form to the Payroll Section of the Department of Finance. The employee's spouse must sign the form to indicate that he or she has agreed to accept the transferred leave and the spouse's supervisor must sign the form



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indicating that the employee's spouse is eligible to use the transferred leave under the terms of this subsection of these Regulations.

- (d) An employee may transfer leave to the employee's spouse only in increments of 40 hours.

* * *

SECTION 21. ADMINISTRATIVE LEAVE

* * *

21-1. Authorized uses of administrative leave. The CAO may grant administrative leave to an employee:

* * *

- (h) for military service or military training under Section 22 of these Regulations; [and]
- (i) who is injured on the job, until the Risk Management Division of the Department of Finance determines if the employee is eligible for disability leave; and
- [(i)]
- (j) under other circumstances where the CAO determines that granting administrative leave is in the best interest of the County.

* * *

21-3. Limits on administrative leave for injury on the job. If the Risk Management Division of the Department of Finance determines that an employee is not eligible for Workers' Compensation benefits for an injury on the job, the County must adjust the employee's leave balances or pay to reimburse the County for the administrative leave that the employee was granted for the injury on the job. The County should deduct leave from the employee's leave balances first but, if the employee has no leave, may take the value of the leave from the employee's pay.

[21-3.]



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21-4. Appeal of administrative leave decision. * * *

* * *

SECTION 30. REDUCTION-IN-FORCE AND FURLOUGH

* * *

30-10. Priority consideration resulting from RIF; reinstatement of displaced employees.

* * *

- (j) Responsibilities of OHR Director when RIF is concluded. At the conclusion of a RIF within a department, the OHR Director must rescind the notice of intent and priority consideration rights for affected employees who were not displaced.

* * *

SECTION 32. PREVENTION OF PROHIBITED DRUG USE AND ALCOHOL MISUSE BY SAFETY-SENSITIVE TRANSIT EMPLOYEES UNDER FEDERAL TRANSIT ADMINISTRATION REGULATIONS

32-1. Purpose. This section of the Personnel Regulations is intended to ensure that the County complies with:

- (a) Federal Transit Administration (FTA) regulations (49 CFR [Parts 653 and 654] Part 655, as amended) on the prevention of prohibited drug use and alcohol misuse by mass transit employees; and

* * *

32-3. Drug and alcohol prohibitions.

* * *

- (d) Refusal to submit to drug or alcohol testing. Any of the following on the part of an employee is considered a refusal to submit to drug or alcohol testing



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and is considered to be the same as a verified positive drug test or an alcohol test with an alcohol concentration of 0.04 or higher:

* * *

- (7) failing to remain at the testing site until the testing process is complete, but an employee who leaves the testing site before the testing process begins for a pre-employment test has not refused to test;
- (8) failing to undergo a medical evaluation as required by the Medical Review Officer or as directed by the County as part of the verification process;
- (9) in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of [[your]] the provision of a specimen; or
- (10) failing to sign the certification at Step 2 of the Alcohol Testing Form.

* * *

32-5. Types of drug and alcohol testing.

* * *

- (a) ***Pre-employment and pre-duty drug testing.***

* * *

- (3) If an employee in a Safety-Sensitive Transit position or an applicant for a Safety-Sensitive Transit position has previously failed or refused a pre-employment drug test administered under FTA regulations, the employee or applicant must provide the County with proof of having successfully completed a referral, evaluation, and treatment plan as described in FTA regulations.

* * *

- (d) ***Random testing.***

* * *



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(7) If an employee or applicant for a Safety-Sensitive Transit position has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in the random selection pool during that time, the County must ensure that the employee or applicant takes a pre-employment drug test with a verified negative result before allowing the employee or applicant to perform Safety-Sensitive Transit functions.

* * *

(f) **Follow-up testing.**

[(1) **Drug testing.**] The County must ensure that an employee who returns to duty after a required evaluation by a SAP under Section 32-8 is subject to unannounced follow-up drug testing, alcohol testing, or both, as follows:

(1) [(A)] the employee must take at least 6 unannounced follow-up [drug] tests [with verified negative results] during the first 12 months after the employee returns to duty and is subject to follow-up testing for a period of one to 5 years;

(2) [(B)] the SAP must [recommend to the employer] determine, based on the SAP's assessment of the employee's unique situation and recovery progress, the frequency and duration of follow-up [drug] testing [after the first 12 months] beyond the minimums that will deter or detect a relapse [, except that the follow-up testing period after the employee returns to duty must not exceed 60 months]; and

(3) [(C)] [if directed by the SAP, the County may require the employee to take one or more follow-up alcohol tests, with a result indicating an alcohol concentration of less than 0.04] follow-up testing is in

