

Resolution No.: 16-406
Introduced: December 11, 2007
Adopted: December 11, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 23-07AM, Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the MCPR

Background

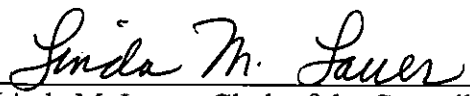
1. On September 4, 2007, the County Council received Executive Regulation 23-07, MCPR Amendment to Extend the Sunset Date, from the County Executive.
2. Executive Regulation 23-07 is processed under Method 1, and is not adopted until the County Council approves it.
3. The Management and Fiscal Policy Committee reviewed Executive Regulation 23-07 on October 29, 2007, and recommended approval with amendments.
4. The Executive reissued the regulation incorporating the Committee's recommended amendments as well as a delayed effective date for one provision, and renumbered it to Executive Regulation 23-07AM to indicate it was amended after transmittal to the Council.

Action

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

Executive Regulation 23-07AM, Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the MCPR is approved.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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|---|--|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
| Originating Department Office of Human Resources | Effective Date December 11, 2007 |

Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations

Executive Regulation No. 23-07AM

Issued by: County Executive

Supersedes: Executive Regulation No. 23-07

Authority: Montgomery County Code, 2004, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 24, Issue 7

Comment deadline: July 31, 2007

Summary: This regulation amends the Personnel Regulations to provide working conditions to unrepresented employees that are comparable to those provided to OPT and SLT bargaining unit employees under a recently approved collective bargaining agreement.

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

Staff contact: Stuart Weisberg, 240-777-5051, or stuart.weisberg@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.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
| Originating Department Office of Human Resources | Effective Date |

SECTION 8. MEDICAL EXAMINATIONS AND REASONABLE ACCOMMODATION

* * *

8-7. Required medical examinations of employees; actions based on results of required medical examination.

* * *

(h) **Light duty evaluation; duration of light duty assignment.**

(1) **Light duty evaluation.**

(A) An employee or department director may ask the EME to evaluate an employee for light duty if the employee's healthcare provider recommends that the employee's job duties or working conditions be temporarily modified because of the employee's health condition.

(B) After completing the evaluation, the EME must provide a written health status report to the employee and department director that indicates the recommended restrictions and the expected duration of the restrictions.

(C) The EME must approve an employee's return to full duty.

(2) **Duration of light duty assignment.** A department director must not allow an employee's light duty assignment to last longer than 6 months.

* * *

SECTION 9. PERFORMANCE PLANNING AND EVALUATION

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9-4. **Position classification.**

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(b) **Request for review of the classification of a position.**



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
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- (1) The incumbent of a position, the incumbent's supervisor, or the incumbent's department director may ask the OHR Director to review the classification assignment of a particular position during the month of June. If the last day of June falls on a Saturday, Sunday, or official County holiday, the incumbent, supervisor, or department director may submit the request on the next working day.

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SECTION 10. EMPLOYEE COMPENSATION

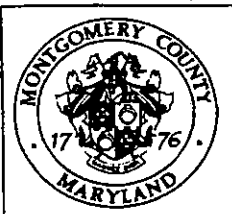
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10-7. Overtime compensation.

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- (b) **Applicable overtime compensation thresholds.** The applicable overtime compensation thresholds for County positions are reflected in the table below:

| Normal Overtime Compensation Thresholds for County Employees | | | |
|--|--|-----------------------------------|--|
| Type of position | Threshold during regular workday | Threshold during regular workweek | Threshold if employee must work on holiday, in general emergency, or on employee's day off |
| Non-exempt employee | 8-12 hours, depending on number of hours in normal workday | 40 hours | 40 hours |



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
| Originating Department Office of Human Resources | Effective Date |

| | | | |
|--|--|--|--|
| Exempt employee, grade 24 or below | 8-12 hours, depending on number of hours in normal workday | 40 hours | 40 hours |
| Police officer at rank of sergeant or below | 8-10 hours, depending on number of hours in normal workday | 40 hours | 40 hours |
| Firefighter/ rescuer at rank of captain or below | number of hours in regular workday for full-time employee | 48 hours or number of hours in regular workweek for full-time employee | 48 hours or number of hours in regular workweek for full-time employee |



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
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| | | | |
|--|---|--|--|
| Exempt employee, grade 25 or above | 13-17 hours, depending on number of hours in normal workday | 45 hours but effective January 6, 2008 such employees should be compensated for the hours worked between 40 and 45 hours per week by altering the employee's regularly scheduled workweek on an hour for hour basis within the pay period when the excess hours were worked or if that is not possible the employee should be granted compensatory time on an hour for hour basis. | 40 hours |
| Police officer at rank of lieutenant or above | 13-15 hours, depending on number of hours in normal workday | 45 hours | 40 hours |
| Firefighter/ rescuer at rank of district chief or above | number of hours in regular workday for full-time employee, plus 5 hours | 53 hours or number of hours in regular workweek for full-time employee plus 5 hours | 48 hours or number of hours in regular workweek for full-time employee |



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
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10-18. Court time compensation. The County must compensate an employee assigned to a facility that is open 24-hours a day 7 days per week 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:

* * *

10-20. Gain Sharing Program. The CAO should establish a gain sharing program to reward employees for making suggestions that improve efficiency, increase productivity, reduce costs, or streamline operations. Under this program, if the employees' suggestion is adopted, the employees would receive a portion of the cost savings.

10-21. Line of Duty Funeral Expenses. In the event an employee's death is caused by or directly related to the employee's performance of job duties, the County will pay up to \$10,000 toward the employee's funeral expenses.

SECTION 11. PERFORMANCE PLANNING AND EVALUATION

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11-7. Performance Evaluation

* * *

- (i) **Overall rating.** The supervisor must give an employee an overall rating using one of the following 5 rating categories as indicated below:

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
| Originating Department Office of Human Resources | Effective Date |

(4) ***Below Expectations***

- (A) This overall rating category indicates that the employee has met some job requirements but needs improvement in other job requirements listed in the performance plan.
- (B) The performance of an employee who receives this rating is below the level of "Successful Performance" but above that of "Does Not Meet Expectations."
- (C) An employee who receives a rating of "Below Expectations" may request that the supervisor provide the employee with a written work improvement plan.
- (D) Effective date - The "Below Expectations" rating category shall go into effect July 1, 2008.

(5) ***Does Not Meet Expectations.***

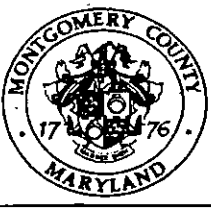
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SECTION 12. SERVICE INCREMENTS

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12-2. Eligibility for service increment.

- (a) An employee with merit system status is eligible for a service increment if:
 - (1) the employee's performance during the rating period is above a "Does Not Meet Expectations" rating;
 - and



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
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| Originating Department Office of Human Resources | Effective Date |

(2) the employee's salary is below the maximum for the employee's pay grade.

* * *

12-8. Twenty-year longevity increment.

- (a) A department director must award a twenty-year longevity increment to an employee in a position covered by the police management, fire management, sheriff management, or correction management salary schedule if the employee has completed twenty years of active service.
- (b) The CAO must determine the amount of the longevity increment.

12-9. Twenty-year longevity/performance increment.

- (a) A 20-year longevity/performance increment is a one-time increase to an employee's base salary.
- (b) A department director must award a 20-year longevity/performance increment of 2 percent of base salary to an employee in a position on the general salary schedule if the employee's salary is at the top of the pay range and the employee:
 - (1) has 20 years of actual County service; and
 - (2) received an annual overall performance rating of *Highly Successful Performance* or *Exceptional Performance* for the 2 most recent consecutive years.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
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| Originating Department Office of Human Resources | Effective Date |

SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

* * *

15-6. General emergency; liberal leave period; modified liberal leave period.

(a) *Declaration of a general emergency, liberal leave period, or modified liberal leave period.*

* * *

(2) When deciding whether to declare a general emergency or liberal leave period, the County Executive or CAO should consider weather conditions including recent weather reports regarding the amount of precipitation already accumulated as well as the forecast for further accumulations during the succeeding 8-hour period, road conditions including whether the major roadways of the County are passable and safe for travel, whether the County public schools have been closed for the day, and the actions being taken by other public sector jurisdictions in the Washington Metropolitan Region. The decision whether to declare a general emergency should be based on the cumulative effects of all these factors and no one factor shall be conclusive or determinative. The County Executive or CAO should attempt to give employees the earliest possible notice of whether a general emergency or liberal leave period will be declared.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|--|--------------------------|
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| Originating Department Office of Human Resources | Effective Date |

- (f) **County Government Facility Closings.** In the event of a breakdown of equipment, power failure or other adverse situation resulting in a closing of a facility, a department director:
 - (1) should grant up to two hours of administrative leave to employees who work at that closed facility with two or fewer hours remaining in their scheduled workday;
 - (2) should reassign employees who work at that closed facility with more than two hours remaining in their scheduled workday to a different work site or allow such employees to use annual leave in lieu of working the rest of their shift; and
 - (3) may require public safety employees or employees in essential operations to work at a time when a departmental facility is closed.

(g) **Role of a supervisor during severe weather or other emergencies.**

* * *

SECTION 17. SICK LEAVE

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17-10. Sick Leave Donor Program. The Sick Leave Donor Program allows County employees to give additional sick leave, annual leave, or PTO to eligible employees who have exhausted all types of accrued leave.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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| | |
|---|--------------------------|
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(a) ***Employee eligibility to receive sick leave, annual leave, or PTO donations.***

(1) An employee is eligible to receive a sick leave, annual leave, or PTO donation after the employee:

* * *

(B) has an extended illness or injury that causes the employee to be unable to work for more than 7 consecutive calendar days or when the employee is the primary caretaker of the employee's spouse, domestic partner, or child who has a serious health condition; and

* * *

(E) has submitted the following to the department director (or another has submitted the following on the employee's behalf):

* * *

(iii) a completed *Medical Certification Form for Sick Leave or PTO Donations* (Appendix M) or a written statement from the employee's health care provider stating:

(a) that the employee cannot perform the essential functions of the employee's position because of the employee's serious health condition, which may include complications of pregnancy or childbirth or recovery from childbirth;

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
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(iv) if the sick leave donation is to enable the employee to care for the employee's spouse, domestic partner, or child, the employee must submit a completed certification from the health care provider of the spouse, domestic partner, or child stating that the spouse, domestic partner, or child has a serious health condition that requires special care.

(c) the estimated date when the employee will be able to return to work.

* * *

(b) ***Employee eligibility to donate sick leave, annual leave, or PTO.***

(1) (A) A full-time employee donor must keep a balance of at least 80 hours of sick leave or PTO after donating sick leave or PTO.

* * *

(D) An employee may also donate annual leave to other employees to use as sick leave donations. The minimum amount of annual leave that may be donated is 8 hours.

(2) An employee must not donate sick leave, annual leave, or PTO after giving oral or written notice of retirement or resignation or receiving written notice of separation from County employment.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
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| Originating Department Office of Human Resources | Effective Date |

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(d) *Use of sick leave, annual leave, or PTO donations.*

* * *

(8) An employee must not use donated sick leave, annual leave, or PTO:

- (A) for a medical or dental appointment that is unrelated to the extended illness or injury for which the leave was donated;
- (B) to care for a family member other than the employee's spouse, domestic partner, or child who has a serious health condition; or
- (C) to care for a well child after the child is born or adopted.

* * *

SECTION 21. ADMINISTRATIVE LEAVE

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

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- (k) for up to 2 hours to vote if the employee's work schedule on the day of an election does not allow at least 2 consecutive hours off while the polls are open.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | |
|---|--------------------------|
| Subject Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number 23-07AM |
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SECTION 22. MILITARY LEAVE

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22-5. Military leave for training.

* * *

- (c) **Weekend reserve duty.** If an employee who is regularly scheduled to work on weekends gives the department director at least 21 calendar days notice of upcoming reserve duty scheduled on the weekend, the department director should alter the employee's schedule to enable the employee to report for reserve duty without using leave.

* * *

SECTION 33. DISCIPLINARY ACTIONS

* * *

33-3. Types of Disciplinary Actions.

* * *

- (e) **Suspension.**
 - (1) A suspension is an action that places an employee in a LWOP status for a specified period for a violation of a policy or procedure or other specific act of misconduct.
 - (2) A department director may not:



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

| | | | |
|-------------------------------|--|-----------------------|---------|
| Subject | Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22, and 33 of the Montgomery County Personnel Regulations | Number | 23-07AM |
| Originating Department | Office of Human Resources | Effective Date | |

- (A) suspend an employee for more than 10 days without the approval of the CAO; or
- (B) suspend an employee for more than 30 days, unless a longer suspension is imposed by a court or quasi-judicial body.

Approved: Isiah Leggett
Isiah Leggett, County Executive

Nov 30, 2007
Date

Approved as to form and legality:

Anne T. Wilde 11/27/07
Office of the County Attorney Date