Expedited Bill No. 51-15
Concerning: Non-merit employees – Salary Schedule - Established
Revised: February 4, 2016 Draft No. 5
Introduced: December 8, 2015
Enacted: March 1, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Leventhal
Co-Sponsors: Councilmembers Elrich, Rice and Hucker

AN EXPEDITED ACT to:

(1) establish a salary schedule for heads of departments, principal offices, and other non-merit employees;
(2) require certain salaries to be set under the salary schedule established for these positions; and
(3) generally amend the law governing compensation for non-merit employees.

By amending
Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-104

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

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

Sec. 1. Section 1A-104 is amended as follows:

1A-104. Heads of departments and principal offices; other positions designated as non-merit.

(a) *Names*. The head of a department or principal office is called the Director of the department or principal office, except that:

(1) the Director of Police is also called the Chief of Police;

(2) the Director of the Montgomery County Fire and Rescue Service is also called the Fire Chief; and

(3) the Director of the Office of the County Attorney is called the County Attorney.

(b) *Qualifications*.

(1) Each head of a department or principal office should be professionally qualified.

(2) A person holding any other position in the Executive Branch designated by law as a non-merit position must be professionally qualified for the position under a position description established by regulation under method (1).

(c) *Status*. Heads of departments and principal offices, and holders of any other position in the Executive Branch designated by law as a non-merit position, are County employees but are not merit system employees.

(d) *Special reinstatement rule*. A person who was a merit system employee of the Police Department when appointed as an Assistant Chief of Police may return to the merit system in the Department at the same rank that the person last held in the merit system. The person must elect to return to the merit system within 10 days after leaving the Assistant Chief position, by notifying the Chief Administrative Officer in writing. If the previous rank was abolished, the person must be assigned to the closest

28 equivalent rank, and must receive the salary and benefits that would apply
29 if the person had remained in the merit system at the previous rank and
30 the rank still existed.

31 (e) *Salaries*. The Executive must design a compensation system to attract
32 and retain highly competent senior leaders as heads of departments and
33 principal offices, and other non-merit employees in the Executive
34 Branch. Each of these employees must be paid a salary within a salary
35 schedule proposed by the Executive and approved by the Council in the
36 Operating Budget of the Montgomery County Government. The salary
37 schedule may contain a provision permitting the Executive to exceed the
38 salary schedule established for a position for an individual employee,
39 subject to Council approval, if the Executive finds that it is necessary to
40 attract or retain a senior leader for a specific position. The Council must
41 establish a salary schedule for non-merit positions in the Legislative
42 Branch as part of the Operating Budget of the Montgomery County
43 Government.

44 **Sec. 2. Effective Date.**

45 The Council declares that this legislation is necessary for the immediate
46 protection of the public interest. This Act takes effect on the date on which it becomes
47 law. This Act must apply to any employee who is hired or promoted to head of a
48 department or principal office or other non-merit position after the date the Council
49 approves the first salary schedule required in Section 1 **[[**when this Act becomes law**]]**.
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51

52 *Approved:*

53 Nancy Floreen March 2, 2016

Nancy Floreen, President, County Council Date

54 *Approved:*

55

Isiah Leggett, County Executive Date

56 *This is a correct copy of Council action.*

57

Linda M. Lauer, Clerk of the Council Date