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: March 13, 2016

Effective: March 13, 2016

Sunset Date: None

Ch. 4 , Laws of Mont. Co. 2016

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

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

**Sec. 2. Effective Date.**

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

*Approved:*

/s/ ?/?/16

Nancy Floreen, President, County Council Date

*Approved:*

/s/ ?/?/16

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ ?/?/16

Linda M. Lauer, Clerk of the Council Date