

Expedited Bill No. 40-17  
Concerning: Personnel – Merit System –  
Salary and Wage Plans – Police  
Leadership Service  
Revised: 12/7/2017 Draft No. 3  
Introduced: December 12, 2017  
Enacted: April 3, 2018  
Executive: April 5, 2018  
Effective: April 5, 2018  
Sunset Date: None  
Ch. 5, Laws of Mont. Co. 2018

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) modify the uniform salary plan for police sworn managers to include a salary schedule for a Police Leadership Service;
- (2) authorize the Chief Administrative Officer to establish a Police Leadership Service under the merit system for lieutenants and captains in the Department of Police;
- (3) establish guidelines for the Police Leadership Service; and
- (4) generally amend the law governing salary schedules for County employees under the merit system.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Section 33-11

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

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

1           **Sec. 1.       Section 33-11 is amended as follows:**

2   **33-11. Classification; salary and wage plans.**

3           (a)   *Classification.*

4           (1)   The Chief Administrative Officer must apply the classification  
5               standards in this Chapter and the Personnel Regulations to:

6               (A)   establish and abolish occupational classes as necessary for  
7               effective and economical operation of the County  
8               government;

9               (B)   assign all positions in the merit system to proper classes;

10              (C)   assign pay grades to classes; and

11              (D)   establish a procedure for the administrative review of an  
12              employee's objection to an assignment action that  
13              downgrades the employee's position.

14           The Board must have a reasonable opportunity to review and comment  
15           on any proposed new classes except new classes proposed for the  
16           Management Leadership Service under paragraph (2).

17           (2)   The CAO may establish by amendment to the Personnel  
18               Regulations under method (1) a Management Leadership Service  
19               (MLS) to ensure that the senior management of the County  
20               government is responsive to the needs, policies, and goals of the  
21               County and is the highest quality possible. The MLS must:

22              (A)   be established within the Merit System;

23              (B)   provide a compensation system designed to attract and  
24              retain highly competent senior managers and compensate  
25              employees on the basis of individual and organizational  
26              performance (including success in improving efficiency,  
27              productivity, quality of work or service, cost efficiency, and

- 28 timeliness and complying with anti-discrimination and  
29 equal employment opportunity requirements);
- 30 (C) ensure that senior managers are accountable and responsible  
31 for the effectiveness and productivity of the employees they  
32 supervise;
- 33 (D) ensure accountability for honest, economical, and efficient  
34 government;
- 35 (E) recognize exceptional accomplishment;
- 36 (F) enable the CAO reasonably to reassign senior managers to  
37 promote the mission and goals of the County government;
- 38 (G) protect senior managers from arbitrary and capricious  
39 actions and maintain a Merit System free of prohibited  
40 personnel practices;
- 41 (H) ensure compliance with applicable personnel laws,  
42 including those related to equal employment opportunity,  
43 political activity, and conflicts of interest;
- 44 (I) enhance the management and leadership skills of highly  
45 competent senior managers through professional  
46 development; and
- 47 (J) appoint career managers to fill MLS positions to the extent  
48 practical, consistent with the effective and efficient  
49 implementation of agency policies and responsibilities.
- 50 (3) The CAO may establish by amendment to the Personnel  
51 Regulations under method (1) a Police Leadership Service (PLS)  
52 to ensure that the senior management of the Department of Police  
53 is responsive to the needs, policies, and goals of the County and is  
54 the highest quality possible. The PLS must:

- 55 (A) be established within the Merit System;
- 56 (B) include only lieutenants and captains in the Department of  
57 Police;
- 58 (C) provide a compensation system designed to attract and  
59 retain highly competent senior police managers and  
60 compensate lieutenants and captains on the basis of  
61 individual and organizational performance (including  
62 success in improving efficiency, productivity, quality of  
63 work or service, cost efficiency, and timeliness and  
64 complying with anti-discrimination and equal employment  
65 opportunity requirements);
- 66 (D) ensure that senior police managers are accountable and  
67 responsible for the effectiveness and productivity of the  
68 employees they supervise;
- 69 (E) ensure accountability for honest, economical, and efficient  
70 police service;
- 71 (F) recognize exceptional accomplishment;
- 72 (G) enable the Police Chief reasonably to reassign senior police  
73 managers to promote the mission and goals of the  
74 Department of Police;
- 75 (H) protect senior police managers from arbitrary and capricious  
76 actions and maintain a Merit System free of prohibited  
77 personnel practices;
- 78 (I) ensure compliance with applicable personnel laws,  
79 including those related to equal employment opportunity,  
80 political activity, and conflicts of interest;

81                   (J) enhance the management and leadership skills of highly  
 82                   competent senior police managers through professional  
 83                   development; and

84                   (K) appoint career police managers to fill PLS positions to the  
 85                   extent practical, consistent with the effective and efficient  
 86                   implementation of Department of Police policies and  
 87                   responsibilities.

88                   (4) The CAO must determine by written finding that a reclassification  
 89                   is necessary for the efficient and effective operation of County  
 90                   government before approving an upward reclassification of a  
 91                   position between July 1 and December 31 of any year in which the  
 92                   County Executive is elected.

93                   (b) *Uniform salary plan.*

94                   (1) The uniform salary plan consists of:

95                   (A) salary schedules for employees represented by certified  
 96                   employee organizations;

97                   (B) a minimum wage/seasonal salary schedule;

98                   (C) a salary schedule for sworn police managers and positions  
 99                   included in the Police Leadership Service;

100                   (D) a salary schedule for uniformed fire/rescue managers;

101                   (E) a salary schedule for sworn deputy sheriff managers;

102                   (F) a salary schedule for uniformed correctional managers;

103                   (G) a salary schedule for medical doctors;

104                   (H) a salary schedule for employees in positions included in the  
 105                   Management Leadership Service; and

106                   (I) a general salary schedule for all other employees.

- 107 (2) The Chief Administrative Officer may recommend to the County  
108 Council amendments to the uniform salary plan.
- 109 (3) The Council must approve the uniform salary plan and any  
110 amendments by resolution.
- 111 (4) In approving the salary plan or amendments, the Council may  
112 consider such factors as:
- 113 (A) experience;
- 114 (B) prevailing salary rates for comparable services in both the  
115 public and private sectors;
- 116 (C) County collective bargaining agreements;
- 117 (D) living costs; and
- 118 (E) other employee benefits.
- 119 (5) A salary schedule must include grades and a salary rate or salary  
120 range for each grade.
- 121 (6) The Chief Administrative Officer must assign each occupational  
122 class to an appropriate grade under an approved salary schedule.
- 123 (7) The minimum wage/seasonal salary schedule must identify each  
124 occupational class assigned to the salary schedule. The Chief  
125 Administrative Officer may assign an occupational class to the  
126 minimum wage/seasonal salary schedule only if all employees in  
127 the class:
- 128 (A) are paid the federal minimum wage; or
- 129 (B) work for the County fewer than:
- 130 (i) 20 regularly scheduled hours per week on a  
131 continuing year- round or school-year basis; or
- 132 (ii) 1040 hours in a 12-month period; or

- 133 (C) are participants in the County's Conservation/Service Corps  
134 job training program.
- 135 (8) The Chief Administrative Officer must base any recommendation  
136 to amend the police management salary schedule on:
- 137 (A) police management salary rates in neighboring  
138 jurisdictions;
- 139 (B) County collective bargaining agreements that establish the  
140 pay and benefits of police officers;
- 141 (C) other pay and benefits available to police management;
- 142 (D) availability of funds; and
- 143 (E) any other relevant factors.
- 144 (9) The Chief Administrative Officer must base any recommendation  
145 to amend the fire/rescue management salary schedule on:
- 146 (A) fire/rescue management salary rates in neighboring  
147 jurisdictions;
- 148 (B) County collective bargaining agreements that establish the  
149 pay and benefits of uniformed fire/rescue employees;
- 150 (C) other pay and benefits available to fire/rescue management;
- 151 (D) availability of funds; and
- 152 (E) any other relevant factors.
- 153 (10) The Chief Administrative Officer must base any recommendation  
154 to amend the sworn deputy sheriff management salary schedule  
155 on:
- 156 (A) salary rates of sworn deputy sheriff managers in  
157 neighboring jurisdictions;
- 158 (B) County collective bargaining agreements that establish the  
159 pay and benefits of deputy sheriffs;

160 (C) other pay and benefits available to sworn deputy sheriff  
161 managers;

162 (D) availability of funds; and

163 (E) any other relevant factors.

164 (11) The Chief Administrative Officer must base any recommendation  
165 to amend the uniformed correctional management salary schedule  
166 on:

167 (A) salary rates of uniformed correctional managers in  
168 neighboring jurisdictions;

169 (B) County collective bargaining agreements that establish the  
170 pay and benefits of correctional officers;

171 (C) other pay and benefits available to uniformed correctional  
172 managers;

173 (D) availability of funds; and

174 (E) any other relevant factors.

175 (12) The Chief Administrative Officer must base any recommendation  
176 to amend the medical doctors' salary schedule on:

177 (A) salaries of medical doctors employed in the public and  
178 private sectors in Montgomery County;

179 (B) salaries of medical doctors employed in the public and  
180 private sectors in neighboring jurisdictions;

181 (C) other pay and benefits available to medical doctors;

182 (D) availability of funds; and

183 (E) any other relevant factors.

184 (13) The Chief Administrative Officer must ensure that all occupational  
185 classes that require comparable experience and have comparable  
186 duties, responsibilities, and authority are paid comparable salaries

187 that reflect the relative value of the services performed, except  
 188 occupational classes on the salary schedules for:

- 189 (A) sworn police managers included in the Police Leadership  
 190 Service;
- 191 (B) uniformed fire/rescue managers;
- 192 (C) sworn deputy sheriff managers;
- 193 (D) uniformed correctional managers;
- 194 (E) deputy sheriffs in the Office, Professional, and Technical  
 195 bargaining unit;
- 196 (F) the police bargaining unit;
- 197 (G) the fire/rescue bargaining unit;
- 198 (H) medical doctors;
- 199 (I) Management Leadership Service; and
- 200 (J) minimum wage/seasonal employees.

201 (14) The Chief Administrative Officer may recommend compensation  
 202 policies for overtime, pay differentials, and other salary and wage  
 203 benefits to the County Council. The County Council must approve  
 204 any such policy or benefit.

205 (15) Any plan, policy, or schedule approved by the County Council  
 206 under this subsection is subject to the provisions of this Chapter  
 207 regarding employees who are represented by a certified employee  
 208 organization.

209 (c) *Salary policies.* Employees must be paid on a biweekly basis. Except as  
 210 expressly provided by federal, state, or County law, the Chief  
 211 Administrative Officer must determine any applicable payroll deductions  
 212 and charges for deductions, including state income tax withholding for  
 213 any state where an employee resides. The Chief Administrative Officer

214 may deduct from an employee's salary, without written authorization,  
215 any amount specified under any automatic enrollment provision of the  
216 Deferred Compensation Plan established under Section 33-142 and of a  
217 deferred compensation plan established under Section 33-146B to the  
218 extent permitted by a collective bargaining agreement if the employee is  
219 a member of an applicable bargaining unit. When an employee leaves  
220 County employment, any debts the employee owes to the County may be  
221 deducted from any unpaid salary, accrued annual or compensatory leave,  
222 or retirement contributions due to the employee.

- 223 (d) *Other compensation policies.* The chief administrative officer may  
224 establish other compensation policies to recognize employees who  
225 perform in an extraordinary manner either on a sustained performance  
226 basis or in recognition of a specific act or service. These compensation  
227 policies may include monetary awards to employees making suggestions  
228 which result in better public service, cost savings or more efficient  
229 operations. Compensation policies may be in the form of cash awards or  
230 be part of the uniform salary plan.

231 **Sec. 2. Expedited Effective Date.**

232 The Council declares that this legislation is necessary for the immediate  
233 protection of the public interest. This Act takes effect on the date on which it becomes  
234 law.

Approved:

*Hans Riemer*

4-3-18

Hans D. Riemer, President, County Council

Date

Approved:

*Isiah Leggett*

4/5/18

Isiah Leggett, County Executive

Date

*This is a correct copy of Council action.*

*Megan Davey Limarzi*

4/9/18

Megan Davey Limarzi, Esq., Clerk of the Council

Date