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**

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

**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

**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 33-11 is amended as follows:

33-11. Classification; salary and wage plans.

(a) *Classification.*

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

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

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

(C) assign pay grades to classes; and

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

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

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

(A) be established within the Merit System;

(B) provide a compensation system designed to attract and retain highly competent senior managers and compensate employees on the basis of individual and organizational performance (including success in improving efficiency, productivity, quality of work or service, cost efficiency, and timeliness and complying with anti-discrimination and equal employment opportunity requirements);

(C) ensure that senior managers are accountable and responsible for the effectiveness and productivity of the employees they supervise;

(D) ensure accountability for honest, economical, and efficient government;

(E) recognize exceptional accomplishment;

(F) enable the CAO reasonably to reassign senior managers to promote the mission and goals of the County government;

(G) protect senior managers from arbitrary and capricious actions and maintain a Merit System free of prohibited personnel practices;

(H) ensure compliance with applicable personnel laws, including those related to equal employment opportunity, political activity, and conflicts of interest;

(I) enhance the management and leadership skills of highly competent senior managers through professional development; and

(J) appoint career managers to fill MLS positions to the extent practical, consistent with the effective and efficient implementation of agency policies and responsibilities.

(3) The CAO may establish by amendment to the Personnel Regulations under method (1) a Police Leadership Service (PLS) to ensure that the senior management of the Department of Police is responsive to the needs, policies, and goals of the County and is the highest quality possible. The PLS must:

(A) be established within the Merit System;

(B) include only lieutenants and captains in the Department of Police;

(C) provide a compensation system designed to attract and retain highly competent senior police managers and compensate lieutenants and captains on the basis of individual and organizational performance (including success in improving efficiency, productivity, quality of work or service, cost efficiency, and timeliness and complying with anti-discrimination and equal employment opportunity requirements);

(D) ensure that senior police managers are accountable and responsible for the effectiveness and productivity of the employees they supervise;

(E) ensure accountability for honest, economical, and efficient police service;

(F) recognize exceptional accomplishment;

(G) enable the Police Chief reasonably to reassign senior police managers to promote the mission and goals of the Department of Police;

(H) protect senior police managers from arbitrary and capricious actions and maintain a Merit System free of prohibited personnel practices;

(I) ensure compliance with applicable personnel laws, including those related to equal employment opportunity, political activity, and conflicts of interest;

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

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

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

(b) *Uniform salary plan.*

(1) The uniform salary plan consists of:

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

(B) a minimum wage/seasonal salary schedule;

(C) a salary schedule for sworn police managersand positions included in the Police Leadership Service;

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

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

(F) a salary schedule for uniformed correctional managers;

(G) a salary schedule for medical doctors;

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

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

(2) The Chief Administrative Officer may recommend to the County Council amendments to the uniform salary plan.

(3) The Council must approve the uniform salary plan and any amendments by resolution.

(4) In approving the salary plan or amendments, the Council may consider such factors as:

(A) experience;

(B) prevailing salary rates for comparable services in both the public and private sectors;

(C) County collective bargaining agreements;

(D) living costs; and

(E) other employee benefits.

(5) A salary schedule must include grades and a salary rate or salary range for each grade.

(6) The Chief Administrative Officer must assign each occupational class to an appropriate grade under an approved salary schedule.

(7) The minimum wage/seasonal salary schedule must identify each occupational class assigned to the salary schedule. The Chief Administrative Officer may assign an occupational class to the minimum wage/seasonal salary schedule only if all employees in the class:

(A) are paid the federal minimum wage; or

(B) work for the County fewer than:

(i) 20 regularly scheduled hours per week on a continuing year- round or school-year basis; or

(ii) 1040 hours in a 12-month period; or

(C) are participants in the County's Conservation/Service Corps job training program.

(8) The Chief Administrative Officer must base any recommendation to amend the police management salary schedule on:

(A) police management salary rates in neighboring jurisdictions;

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

(C) other pay and benefits available to police management;

(D) availability of funds; and

(E) any other relevant factors.

(9) The Chief Administrative Officer must base any recommendation to amend the fire/rescue management salary schedule on:

(A) fire/rescue management salary rates in neighboring jurisdictions;

(B) County collective bargaining agreements that establish the pay and benefits of uniformed fire/rescue employees;

(C) other pay and benefits available to fire/rescue management;

(D) availability of funds; and

(E) any other relevant factors.

(10) The Chief Administrative Officer must base any recommendation to amend the sworn deputy sheriff management salary schedule on:

(A) salary rates of sworn deputy sheriff managers in neighboring jurisdictions;

(B) County collective bargaining agreements that establish the pay and benefits of deputy sheriffs;

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

(D) availability of funds; and

(E) any other relevant factors.

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

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

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

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

(D) availability of funds; and

(E) any other relevant factors.

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

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

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

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

(D) availability of funds; and

(E) any other relevant factors.

(13) The Chief Administrative Officer 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 occupational classes on the salary schedules for:

(A) sworn police managersincluded in the Police Leadership Service;

(B) uniformed fire/rescue managers;

(C) sworn deputy sheriff managers;

(D) uniformed correctional managers;

(E) deputy sheriffs in the Office, Professional, and Technical bargaining unit;

(F) the police bargaining unit;

(G) the fire/rescue bargaining unit;

(H) medical doctors;

(I) Management Leadership Service; and

(J) minimum wage/seasonal employees.

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

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

(c) *Salary policies.* Employees must be paid on a biweekly basis. Except as expressly provided by federal, state, or County law, the Chief Administrative Officer must determine any applicable payroll deductions and charges for deductions, including state income tax withholding for any state where an employee resides. The Chief Administrative Officer may deduct from an employee’s salary, without written authorization, any amount specified under any automatic enrollment provision of the Deferred Compensation Plan established under Section [33-142](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=maryland(montgom)$jumplink_q=%5bfield%20folio-destination-name:'33-142'%5d$jumplink_md=target-id=JD_33-142) and of a deferred compensation plan established under Section [33-146B](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=maryland(montgom)$jumplink_q=%5bfield%20folio-destination-name:'33-146B'%5d$jumplink_md=target-id=JD_33-146B) to the extent permitted by a collective bargaining agreement if the employee is a member of an applicable bargaining unit. When an employee leaves County employment, any debts the employee owes to the County may be deducted from any unpaid salary, accrued annual or compensatory leave, or retirement contributions due to the employee.

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

**Sec. 2. Expedited 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.

*Approved:*

/s/ 4/3/18

Hans D. Riemer, President, County Council Date

*Approved:*

/s/ 4/5/18

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ 4/9/18

Megan Davey Limarzi, Esq. Clerk of the Council Date