

Resolution No.: 17-192
Introduced: July 12, 2011
Adopted: July 12, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 1-11, Miscellaneous Amendments to Montgomery County Personnel Regulations

Background

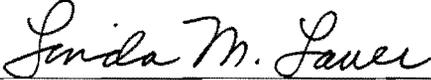
1. On April 13, 2011, the County Council received Executive Regulation 1-11 to amend Sections 6, 9, 10, 12, 15, 16, 19, 24, 30 and 34 of the Personnel Regulations to correct errors, omissions and typos and update certain provisions.
2. Executive Regulation 1-11 amends the following:
 - a. Section 9-3(d)(5)(B) and Section 9-5(a) and (b) to make them consistent with Section 9-4(b)(1) which provides that requests for classification reviews may only be submitted during the month of June;
 - b. Section 10-7(b) to reflect the change in the firefighter/rescuer job title from “district” to “battalion” chief;
 - c. Section 10-22(a) and (b) to clarify that an employee under the Guaranteed Retirement Income Plan is eligible for severance pay as well as an employee under the Retirement Savings Plan;
 - d. Section 12-6(a)(4) to make it consistent with Section 23-7(a) and (c) which provides that a department director cannot reassign the increment date of an employee on Leave Without Pay who is a member of the Maryland General Assembly;
 - e. Section 15-6(d)(7) to clarify that a non-essential employee who chooses not to report for work during a liberal leave period must notify the employee’s supervisor as soon as possible and not later than the beginning of the employee’s regularly scheduled workday;
 - f. Section 16-12 to clarify that paid time off is a type of leave granted to MLS who are members of the Guaranteed Retirement Plan as well as the Retirement Savings Plan;
 - g. Section 24-9(c) to correct errors in the table showing the number of hours of compensatory time that a uniformed fire-rescue employee is eligible to receive as a holiday benefit; and
 - h. Section 34-2(d)(1) to make it consistent with Section 34-9(a)(1) which provides that an employee has 30 days to file a grievance.
3. Executive Regulation 1-11 is processed under Method 2 and takes effect upon adoption of the Council resolution approving it or on a later date specified in the regulation.

Action

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

Executive Regulation 1-11 to amend Sections 6, 9, 10, 12, 15, 16, 19, 24, 30 and 34 of the Montgomery County Personnel Regulations to correct errors, omissions and typos and update certain personnel provisions is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject	Miscellaneous Amendments to the Montgomery County Personnel Regulations	Number	1-11
Originating Department	Office of Human Resources	Effective Date	July 12, 2011

Miscellaneous Amendments to the Montgomery County Personnel Regulations

Executive Regulation No. 1-11

Issued by: County Executive

Supersedes: Executive Regulation No. 12-00AM II, in part

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

Council review: Method 1

Montgomery County Register Volume 28, Issue 2

Comment deadline: February 28, 2011

Summary: This regulation amends Sections 6, 9, 10, 12, 15, 16, 19, 24, 30 and 34 of the 2001 Montgomery County Personnel Regulations to correct errors, omissions and typos and to update certain provisions. These amendments resulted from a review of the Personnel Regulations by the Office of Human Resources.

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

Staff contact: Stuart Weisberg, 240-777-5154, or stuart.weisberg@montgomerycountymd.gov

Please use the key below when reading this regulation:

Boldface

* * *

Heading or defined term.

Existing language unchanged by executive regulation



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SECTION 6. RECRUITMENT AND APPLICATION RATING PROCEDURES

* * *

6-5. Competitive rating process.

- (a) The OHR Director must establish a competitive rating process to create an eligible list for employment or promotion, unless the OHR Director determines that a non-competitive process is appropriate under Section 6-7 or 27-2(b) of these Regulations.

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SECTION 9. CLASSIFICATION

* * *

9-3 Classification plan.

* * *

- (d) *Allocation of a class to a pay grade or pay band.*

* * *

- (5) *Request for review of an occupational class.*

* * *

- (B) The department director must submit the request during the month of June. If the last day of June falls on a Saturday, Sunday, or official County holiday, the department director may submit the request on the next working day.

* * *



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9-5. Special classification studies.

- (a) The OHR Director may accept a request for a classification study of an occupational class or individual position during a month other than June if a department director requests the study because of extraordinary circumstances that justify a special classification study. The department director must submit a written description of the extraordinary circumstances that prompted the request.
- (b) The CAO or the OHR Director may direct that special classification studies of occupational classes or individual positions be conducted without waiting for the prescribed month of June.

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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:

* * *



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Normal Overtime Compensation Thresholds for County Employees, continued			
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
Correctional officer at the rank of correctional shift commander (lieutenant) or below	8-12 hours, depending on number of hours in normal workday	40 hours	40 hours



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Exempt employee, grade 25 or above	8-12 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 battalion 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
Deputy sheriff at the rank of captain or above	13-17 hours, depending on number of hours in normal workday	45 hours	40 hours

* * *

(d) *Exception to normal overtime pay rates.*



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* * *

- (3) If an employee is in a public safety class that is not on the general salary schedule, a department director must compensate the employee as follows:

* * *

- (C) as if the employee was an exempt employee in pay grade 25 or above if the employee is:

- (i) a police officer at the rank of lieutenant or above;
- (ii) a firefighter/rescuer at the rank of battalion chief or above;

* * *

10-22. Severance pay.

- (a) ***Severance pay for a probationary employee whose employment is terminated.***

* * *

- (2) An employee who is eligible to receive severance pay under the Retirement Savings Plan or the Guaranteed Retirement Income Plan is not eligible to receive severance pay under Section (a)(1)(A) or (B) above.

- (b) ***Severance pay for Retirement Savings Plan or Guaranteed Retirement Income Plan participants.***

- (1) Under COMCOR 33.140.01, *Severance Pay for Certain Retirement Savings Plan Participants*, the County must pay severance pay as shown



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in the table below to an eligible employee who participates in the Retirement Savings Plan or the Guaranteed Retirement Income Plan:

* * *

SECTION 12. SERVICE INCREMENTS

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12-6. Reassignment of increment date.

- (a) A department director must assign an employee a new service increment date if the employee's:
- (1) probationary period for merit status is extended;
 - (2) service increment is delayed;
 - (3) increment date occurs during a period of within-grade salary reduction described in subsection 33-3(d) or during a suspension described in subsection 33-3(e);
 - (4) LWOP exceeds 10 consecutive workdays, excluding LWOP for FMLA, parental leave, military service, professional improvement or used under Section 23-7(a) and (c) by an employee who is a member of the Maryland General Assembly; or
 - (5) position is reclassified or reallocated to a higher pay grade.

* * *

SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

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

* * *

- (d) *Responsibilities and compensation of employees during a general emergency or liberal leave period.*

* * *

- (7) If a non-essential employee chooses not to report for work during a liberal leave period, the employee must notify the employee's supervisor of the employee's leave status as soon as possible and no later than the beginning of the employee's regularly scheduled workday.

* * *

SECTION 16. ANNUAL LEAVE

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16-12. Paid time off (PTO) and annual leave. PTO is a type of leave granted to MLS employees who are members of the Retirement Savings Plan or the Guaranteed Retirement Income Plan.

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SECTION 19. FAMILY AND MEDICAL LEAVE

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19-10. Use of military family leave

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19-11. Application for military family leave.

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19-12. Limits on the use of sick leave as FMLA leave



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- 19-13. Transfer of employee on FMLA leave
- * * *
- 19-14. Recording of FMLA leave.
- * * *
- 19-15. Relation of FMLA leave to other benefits.
- * * *
- 19-16. Reinstatement of an employee after FMLA leave.
- * * *
- 19-17. Rights under FMLA of an employee after military leave.
- * * *
- 19-18. Appeal of FMLA leave decision.
- * * *

SECTION 24. HOLIDAY LEAVE AND COMPENSATION

- * * *
- 24-9. Holiday benefit for uniformed County fire/rescue employees.
- * * *

(c) *Amount of holiday benefit.* The Administrator of Fire and Rescue Services must pay a uniformed fire/rescue employee a holiday benefit as indicated in the following table.



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Holiday Benefit for Uniformed Fire/Rescue Employees				
Firefighter's work schedule	Holiday benefit for a holiday listed in Section 24-2 (employee may choose either)		Substitute for a personal leave day* (employee may choose either)	
	Regular pay	Compensatory time	Regular pay	Compensatory time
2080-hour work year	13 hours	13 hours	13 hours	13 hours
2184-hour work year	14 hours	14 hours	14 hours	14 hours
2496-hour work year	16 hours	16 hours	16 hours	16 hours

SECTION 30. REDUCTION-IN-FORCE AND FURLOUGH

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30-12. Effect of RIF on benefits

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- (e) A terminated probationary employee may be entitled to severance pay under Sections 7-2(e) and 10-22(a) of these Regulations.

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SECTION 34. GRIEVANCES

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34-2. Eligibility to file a grievance.

* * *

(d) An individual must be an employee of the County government when the individual files the grievance, unless:

* * *

(1) the 30-day time period to file a grievance extends after the date when the individual's employment is terminated by resignation, retirement, termination, or dismissal; or

* * *

Approved:

Isiah Leggett, County Executive

Date

Approved as to form and legality:

3/29/11

Office of the County Attorney Date