

Resolution No.: 17-820
Introduced: July 23, 2013
Adopted: July 23, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Government Operations and Fiscal Policy Committee

SUBJECT: Approval of Executive Regulation 23-12AM, Miscellaneous Amendments to Montgomery County Personnel Regulations

Background

1. The Montgomery County Code §33-7(b) authorizes the County Executive to adopt personnel regulations under Method 1.
2. On April 1, 2013, the County Council received Executive Regulation 23-12AM to amend Sections 7, 10, 13, 15 and 19 of the Personnel Regulations.
3. Executive Regulation 23-12AM amends the following:
 - a. Section 7 – Non-competitive reappointment – Clarifies that non-competitive reappointment includes appointment to a temporary position at the same or lower grade level than the employee held at the time of separation;
 - b. Section 10 – Payroll and salary setting policies – Provides that an employee is not required to repay the portion of overpayments which has extended beyond a three-year period and eliminates confusion with respect to salary on promotion;
 - c. Section 13 – Policy on employee performance awards – Allows for Paid Time Off Awards for MLS employees in certain instances;
 - d. Section 15 – Alternate Work Schedules – Deletes a provision that prohibits an employee from filing both a grievance and a complaint with the Montgomery County Human Relations Commission over a denial of a request by the employee for an alternate work schedule for religious observance; and
 - e. Section 19 – Use of FMLA leave – Clarifies that the medical certification form submitted by an employee requesting Family and Medical Leave must be completed by the health care provider treating the serious health condition.
4. Executive Regulation 23-12AM is processed under Method (1) Section 2A-15 of the County Code, and does not take effect until the Council approves it.

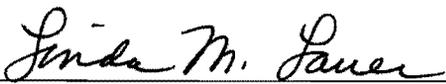
5. On July 8, 2013, the Government Operations and Fiscal Policy Committee reviewed Executive Regulation 23-12AM, Miscellaneous Amendments to the Montgomery County Personnel Regulations, and recommended approval.

Action

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

Executive Regulation 23-12AM to amend Sections 7, 10, 13, 15 and 19 of the Montgomery County Personnel Regulations.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



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Subject	Miscellaneous Amendments to the Montgomery County Personnel Regulations	Number	23-12AM
Originating Department	Office of Human Resources	Effective Date	July 23, 2013

Miscellaneous Amendments to the Montgomery County Personnel Regulations

Executive Regulation No. 23-12AM

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 29, Issue 11

Comment deadline: November 30, 2012

Summary: This regulation amends Sections 7, 10, 13, 15, and 19 of the 2001 Montgomery County Personnel Regulations to clarify and update certain provisions.

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 7. APPOINTMENTS, PROBATIONARY PERIOD, AND PROMOTIONAL PROBATIONARY PERIOD

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7-4. Noncompetitive reappointment.

- (a) A department director may noncompetitively reappoint a former County employee if the individual:
- (1) is reappointed to a position, including a temporary position, at the same or lower grade level than the employee held at the time of separation;
 - (2) meets the requirements for the position;

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SECTION 10. EMPLOYEE COMPENSATION

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10-4. Payroll policies.

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- (d) *Recovery of overpayment or employee debt.*
- (1) *Recovery of overpayment to employee.*
 - (A) If the County overpays an employee, the CAO may deduct money from the employee's pay to recover the overpayment. The CAO must give the employee notice and an opportunity to respond before deducting the amount of the overpayment from the employee's pay.



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- (B) An employee will not be required to repay the portion of overpayments which has extended beyond a 3-year period.
- (C) An employee who is overpaid by the County has a duty to promptly notify the department director of the overpayment.
- (D) A department director may take disciplinary action against an employee who knew about the overpayment but failed to notify the department director.

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10-5. Salary-setting policies.

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(c) *Salary on promotion.*

(1) *Compensation for a regular (non-temporary) promotion.*

- (A) A department director must ensure that an employee's base salary following promotion is not less than the minimum or more than the maximum salary for the new pay grade or pay band.
- (B) A department director must give a merit system employee who is promoted at least a 5 percent increase in base salary, except as provided in (C) below.
- (C) A department director must not give a salary increase upon promotion to an employee who took a voluntary demotion in the past but did not lose salary, unless:



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- (i) a salary increase is necessary to restore the employee to the salary that the employee would have had if the employee had not been demoted; or
 - (ii) the employee is promoted to a higher-graded position than the position from which the employee was demoted.
- (D) In addition to the non-discretionary 5 percent increase provided for in (B) above, a department director may recommend and the OHR Director may approve an additional increase in base salary up to 10 percent for a single promotion, or a total increase not to exceed 15 percent.
- (E) In extraordinary circumstances, the department director may recommend and the OHR Director may approve a total increase not to exceed 20 percent of base salary. Extraordinary circumstances means:
- (i) a promotion of at least 3 grades; or
 - (ii) a promotion to a supervisory position after which the employee's salary would be less than that of the employees supervised.

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SECTION 13. PERFORMANCE AWARDS

13-1. Policy on employee performance awards.

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- (d) An MLS employee is not eligible for a monetary award under this section except under Section 13-2 (d).

13-2. Monetary awards.

- * * *
- (c) *Annual Leave Award.*
- (1) *Award type.* The Annual Leave Award is an amount of annual leave.
 - (2) *Eligibility.* Merit system employees are eligible.
 - (3) *Award criteria.* Criteria include:
 - (A) sustained or unusual effort on a special project;
 - (B) outstanding or noteworthy performance on a sustained basis or for a special project.
 - (C) other actions, activities, or products of importance and value to the department.
 - (4) *Limitations.* A department director may grant up to a maximum of 40 hours of leave per employee in a fiscal year.
 - (5) *Nomination procedure.* A division chief must make a written recommendation to the department director documenting the reason for the award.
- (d) *Paid Time Off or Annual Leave Award for MLS Employees.*
- (1) *Award type.* The Paid Time Off Award is an amount of paid time off for MLS employees who are members of the Retirement Savings Plan or Guaranteed Retirement Income Plan. The Annual Leave Award is an



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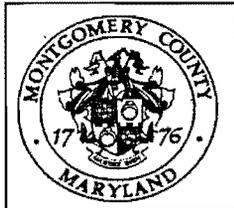
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amount of annual leave for MLS employees who are members of a defined benefit pension plan and earn annual leave and sick leave instead of Paid Time Off.

- (2) **Eligibility.** MLS employees are eligible.
- (3) **Award criteria.** A Paid Time Off or Annual Leave Award for an MLS employee is neither ordinary nor usual but may be appropriate to recognize:
 - (A) exceptional performance for an extended period of time;
 - (B) completion of a major special project requiring unusual skill and effort and working a substantial number of uncompensated hours;
or
 - (C) working a substantial number of uncompensated hours during an emergency.
- (4) **Limitations.** A department director may grant up to a maximum of 40 hours of paid time off or annual leave per employee in a fiscal year.
- (5) **Nomination and approval procedure.** A department director must make a written recommendation to the CAO documenting the reason for the award. The CAO must determine whether to grant a Paid Time Off or Annual Leave Award to an MLS employee.

13-3. Procedures for monetary awards.

- (a) A department director must:



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- (1) recommend to the CAO an Outstanding Performance Increment for an employee in the department, and if granted, prepare the documentation for processing;
- (2) recommend to the CAO a Paid Time Off or Annual Leave Award for an MLS employee and document the reason for the award;
- (3) for all other monetary awards:
 - (A) review and evaluate all awards recommended for the department, ensuring that the type and amount of award are commensurate with the performance or product being recognized;
 - (B) determine which awards to approve; and
 - (C) provide all required award information to OHR.

(b) The OHR Director must:

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- (4) report to the CAO at the end of a fiscal year a department's total:
 - (A) cash awards;
 - (B) non-cash awards with an individual value of more than \$50; and
 - (C) hours of annual leave or paid time off granted as awards.

(c) The CAO must determine whether to grant an Outstanding Performance Increment for an employee or a Paid Time Off or Annual Leave Award for an MLS employee.

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SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

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15-4. Alternate Work Schedules

- (a) *Alternate work schedules for religious observance.*

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- (4) *Appeal of denial of request for alternate work schedule for religious observance.*

(A) An employee with merit system status may file a grievance under Section 34 of these Regulations if the employee's supervisor denies the employee's request for an alternate work schedule for religious observance.

(B) An employee may file an EEO complaint under the process described in Section 5-4 of these Regulations

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SECTION 19. FAMILY AND MEDICAL LEAVE

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19-9. Use of FMLA leave.

- (b) *FMLA leave taken for a serious health condition.*



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- (2) A supervisor may require an employee to submit a County *Medical Certification of Employee's Serious Health Condition Form* (Appendix P-1) or a County *Medical Certification of Family Member's Serious Health Condition Form* (Appendix P-2) completed by the health care provider treating the serious health condition to support a request for leave for a serious health condition.

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Approved: 
Isiah Leggett, County Executive

4/1/13
Date

Approved as to form and legality:

Anne T. Windlee 3/27/13
Office of the County Attorney Date