

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

Subject No Rehire Clauses in Settlement Agreements

Originating Department Office of Human Resources Number 11-22 Effective Date

NO REHIRE CLAUSES IN SETTLEMENT AGREEMENTS

Issued by: County Executive Regulation No. 11-22 COMCOR No. 33.07.01 Authority: Montgomery County Code (2014) Section 33-7(b) Supersedes: 16-13, in part Council Review: Method (1) under Code Section 2A-15 Register Vol. 39 No. 5 Effective Date: Comment Deadline: May 31, 2022

Summary: This regulation amends Section 34 and Section 35 of the Montgomery County Personnel Regulations to implement Council Bill 32-21 and provides appeal rights to employees who, in a dismissal action, receive a proposed settlement agreement that includes a no rehire clause.

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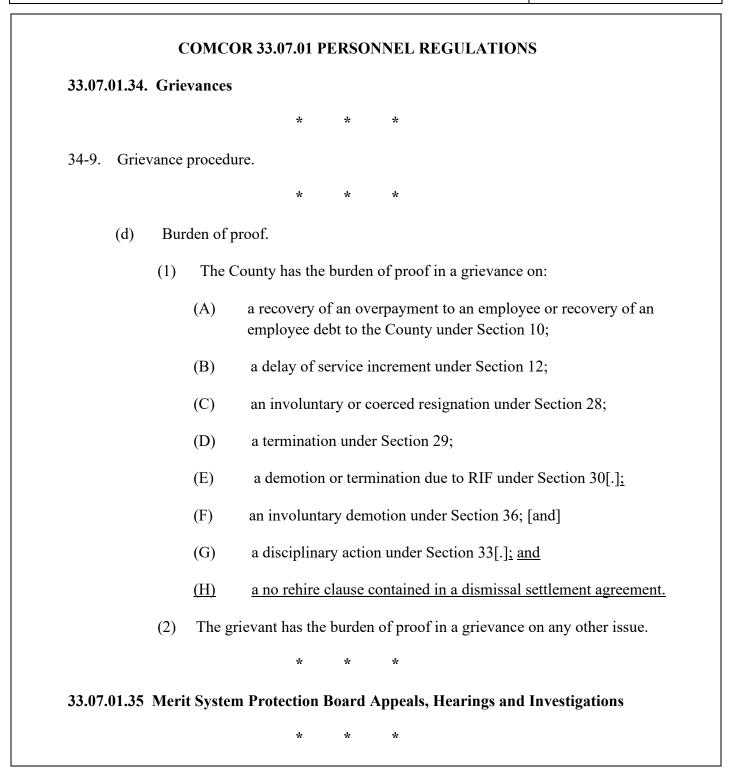
Background: The Montgomery County Code authorizes the County Executive to promulgate personnel regulations.



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35-2. Right of appeal to MSPB.

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- (h) An employee with merit system status contesting a decision by the CAO or agency head to include a no rehire clause in a proposed settlement agreement may file an appeal directly with the MSPB.
- 35-3. Appeal period.
 - (a) An employee has 10 working days to file an appeal with the MSPB in writing after the employee:
 - (1) receives a notice of disciplinary action over an involuntary demotion, suspension, or dismissal;
 - (2) receives a notice of termination;
 - (3) receives a written final decision on a grievance;
 - (4) resigns involuntarily; [or]
 - (5) receives a proposed settlement agreement in a dismissal matter that contains a no rehire clause; or
 - (6)[(5)] knows or should have known of a personnel action.

* * *

35-4. Appeal filing requirements.

* * *

- (d) Depending on the nature of the appeal, an employee or applicant must include the following documentation with the appeal:
 - (1) [If]<u>if</u> the employee is contesting a disciplinary action, a copy of the Notice of Disciplinary Action must be provided to the Board;



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- (2)[If] if the employee is contesting a decision by the Chief Administrative Officer (CAO), a copy of the CAO's decision must be provided to the MSPB; [or]
- (3) [If]if the employee or applicant is contesting a nonselection/nonpromotion decision, a copy of the notification of nonselection/nonpromotion must be provided; or
- if the employee is contesting a decision by the CAO or agency head (4) to include a no rehire clause in a proposed settlement agreement, a copy of the proposed settlement agreement.

Marc Elrich, County Executive

Date

Approved as to form and legality:

Qustin T. Nunley Office of the County Attorney

04/20/2022

Date