



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Performance Based Pay

Number: 18-22

Originating Department:
Office of Human Resources

Effective Date:
January 17, 2023

Montgomery County Regulation on:

PERFORMANCE BASED PAY

Issued by: County Executive

Regulation No. 18-22

COMCOR 33.07.01

Supersedes: Executive Regulation 28-09

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

Council Method (2) Under Code Section 2A-15

Comment Deadline: August 31, 2022

Register Volume 39, Issue 8

Effective Date: January 17, 2023

Sunset Date: None

SUMMARY: This regulation amends Section 10 of the Montgomery County Personnel Regulations to provide for performance-based pay for the Executive Director of the Employee Retirement Plans.

ADDRESS: Director, Office of Human Resources
Executive Office Building
101 Monroe Street, 7th Floor
Rockville, MD 20850

STAFF Additional information and copies of the regulation are available from:

CONTACT: Samuel Frushour, Special Assistant to the Director, 240-777-5012.



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COMCOR 33.07.01.10 Employee Compensation

* * *

10-10. Performance-based pay.

- (a) Performance-based pay for MLS or PLS employees. An MLS or PLS employee is not eligible to receive service increments[,] but may receive performance-based pay as described in this subsection.
 - (1) Eligibility for general wage adjustment.
 - (A) Career employee. An MLS or PLS employee with merit system status who receives a performance rating of Below Expectations, Successful Performance, Highly Successful Performance, or Exceptional Performance for the prior review period receives the general wage adjustment awarded to other unrepresented County employees during the current fiscal year. An employee with a rating of Does Not Meet Expectations for the prior review period does not receive the general wage adjustment for the current fiscal year.
 - (B) Probationary employee. A probationary MLS or PLS employee is eligible for the general wage adjustment provided to permanent employees.
 - (2) Eligibility for performance-based pay.
 - (A) Career employee. An MLS or PLS employee with merit system status is eligible to receive performance-based pay. In order to receive a compensation adjustment, an employee must have a performance evaluation on record for the previous fiscal year.
 - (B) Probationary employee. A probationary employee with less than 6 months of service is not eligible for performance-based pay.



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(C) Eligibility based on performance rating.

- (i) An employee with a performance rating of *Successful Performance*, *Highly Successful Performance*, or *Exceptional Performance* is eligible to receive performance-based pay as indicated in the table below. However, the salary of an employee who receives an addition to base salary award must not exceed the maximum of the assigned pay band.

Eligibility for Performance-Based Pay for MLS and PLS Employees*

Overall performance rating:	If employee's salary is below 90 percent of pay band	If employee's salary is at or above 90 percent of pay band	If employee's salary is at top of pay band
Exceptional Performance	Employee is eligible for an addition to base salary and lump-sum award. The total of the addition to base salary and lump-sum award must not exceed 6 percent of base salary.	Employee is eligible for an addition to base salary and lump-sum award. The total of the addition to base salary and lump-sum award must not exceed 4 percent of base salary.	Employee is eligible for a lump-sum award not to exceed 4 percent of base salary.**
Highly Successful Performance	Employee is eligible for an addition to base salary and lump-sum award. The total of the addition to base salary and lump-sum award must not exceed 4 percent of base salary.	Employee is eligible for an addition to base salary and lump-sum award. The total of the addition to base salary and lump-sum award must not exceed 3.5 percent of base salary.	Employee is eligible for a lump-sum award not to exceed 3.5 percent of base salary.
Successful Performance	Employee is eligible for an addition to base salary and lump-sum award. The total of the addition to base salary and lump-sum award must not exceed 3.5 percent of base salary.	Employee is eligible for a lump-sum award not to exceed 2 percent of base salary.	Employee is eligible for a lump-sum award not to exceed 2 percent of base salary.



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Below Expectations	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.
Does Not Meet Expectations	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.

* An MLS or PLS employee receives the general wage adjustment granted to other non-bargaining unit employees unless the employee's overall performance rating was *Does Not Meet Expectations*.
 ** With approval by the CAO, the Executive Director of Montgomery County Employee Retirement Plans is eligible to receive a lump-sum award that exceeds 4 percent of base salary but does not exceed 25 percent of base salary for exceptional performance.

- (ii) An MLS or PLS employee does not automatically receive a performance-based pay award of any particular type or amount.

* * *

Approved:

Marc Elrich
 Marc Elrich, County Executive

12/6/2022
 Date

Approved as to form and legality:

Justin T. Nunley
 Office of the County Attorney

7/27/2022
 Date