



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Personnel Regulations	Number 25-19
Originating Department Office of Human Resources	Effective Date May 19, 2020

PERSONNEL REGULATIONS

Issued by: County Executive

Regulation No. 25-19

COMCOR No. 33.07.01

Authority: Montgomery County Code (2014) Section 33-7(b)

Supersedes: Executive Regulation 12-00AM (in part)

Council Review: Method (1) under Code Section 2A-15

Register Vol. 36 No. 7

Effective Date: May 19, 2020

Comment Deadline: 7/12/19

Summary: This regulation amends the personnel regulations to include the newly created Office of Labor Relations.

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

COMCOR 33.07.01 PERSONNEL REGULATIONS

33.07.01.01 Definitions

1-1. ADA: The Americans with Disabilities Act, a Federal law enacted to address discrimination against individuals with disabilities.



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- 1-47. OLR: The Office of Labor Relations.
- 1-48. Overall rating: A summary rating in the employee's performance evaluation that best describes the employee's overall level of performance during the period covered by a performance plan.
- 1-49. Paid time off (PTO): A type of leave granted to MLS employees in the Retirement Savings Plan that may be used as sick or annual leave.
- 1-50. Part-time employee: An incumbent of a part-time position.
- 1-51. Part-time position: A career position, including a term position that:
- (a) requires employment for 20 to 39 regularly scheduled hours per week on a continuing year-round or school-year basis; or
 - (b) is specially designated by the CAO and requires regular employment for 10 to 20 hours per week on a continuing year-round or school-year basis and approval by the Merit System Protection Board (MSPB).
- 1-52. Pay period: The official 2-week reporting period for time and attendance that determines the employee's biweekly compensation.
- 1-53. Performance evaluation: A supervisor's written evaluation of an employee's performance in relation to the expectations in the employee's performance plan. An evaluation may be an interim or annual evaluation. An interim evaluation may be conducted at any time during the review period.
- 1-54. Personnel action: An act or omission by a supervisor which has a significant adverse impact on the employee, or a change in the employee's duties or responsibilities which is inconsistent with the employee's grade and salary. It does not include an act or omission by a supervisor that is not subject to review by the Merit System Protection Board under Section 33- 12 of the Montgomery County Code.
- 1-55. Police Leadership Service (PLS): A program for merit system employees in Police Lieutenant



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and Captain ranks who have responsibility for managing County Police Department programs and services or developing and promoting public policy for major programs and management functions, or both, that includes a broadband classification system, performance based pay, public safety pay, Police Department pay and professional development opportunities.

- 1-56. Position: A grouping of duties and responsibilities identified by a specific position number and assigned by the department director to be performed by an individual. The grouping of duties and responsibilities may be:
- (a) career, term, or temporary; and
 - (b) full-time or part-time.
- 1-57. Position description: A document signed by the employee's department director that provides basic data for the classification of a position, including a list of the duties and responsibilities assigned to the position.
- 1-58. Priority consideration: Consideration of a candidate for appointment, reassignment, or promotion to a vacant position before others are considered. It does not guarantee that the candidate will be selected for appointment, reassignment, or promotion.
- 1-59. Priority eligible list: The official list of applicants who have priority consideration and are eligible for reassignment or reemployment to a vacant position.
- 1-60. Probationary employee: A person who has not completed the required probationary period and gained merit system status and who is:
- (a) a new employee recently hired into a full-time or part-time County position; or
 - (b) a former temporary employee recently appointed to a full-time or part-time County position.
- 1-61. Probationary period: The initial period after employment during which an employee must demonstrate proper attitude and ability in order to be granted merit system status.
- 1-62. Professional improvement leave or PIL: Administrative leave or leave without pay for the



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purpose of attending work-related conferences, training, or courses of study.

- 1-63. Project SEARCH Interns: A one-year job training program for young adults with intellectual and developmental disabilities who are either in their last year of high school or recent graduates in which these individuals serve as interns in County Departments and acquire marketable job skills.
- 1-64. Promotion: The formal assignment of an employee to a position:
- (a) in a higher-graded occupational class; or
 - (b) on a different salary schedule accompanied by an increase in salary. The reclassification or reallocation of a position to a higher-graded occupational class under Section 9 of these Regulations is not a promotion.
- 1-65. Promotional probationary period: A period immediately following the promotion of an employee during which the employee must demonstrate the ability to perform the duties of the new position in order to remain in that position.
- 1-66. QUEST (Quality, Understanding, Excellence, Success, and Training) Interns: A partnership program between the County and the Maryland Department of Education Division of Rehabilitation Services (DORS) in which County residents with disabilities serve as volunteer interns in County Departments and work on special projects that help them develop marketable job skills.
- 1-67. Rating categories: The 4 descriptive terms used to characterize the overall level of an employee's performance: "Exceptional Performance", "Highly Successful Performance", "Successful Performance", and "Does Not Meet Expectations".
- 1-68. Reduction-in-force or RIF: The elimination of a position because of:
- (a) lack of funds;
 - (b) change in an approved work program or plan;
 - (c) administrative reorganization; or



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(d) technological change that affects staffing needs.

- 1-69. Regular hourly salary: The regular hourly salary for an employee is an amount equal to the annual salary for the employee's position, divided by the number of work hours per year normally assigned to the position. Regular hourly salary is calculated on the basis of full-time salary and full-time work hours per year for a given position. Regular hourly salary must include all pay differentials that apply.
- 1-70. Relative: As used in these Regulations, includes:
- (a) the employee's immediate family as defined under Section 1 of these Regulations;
 - (b) the employee's aunt, uncle, niece, nephew, or first cousin;
 - (c) a sibling or grandchild of the employee's spouse or domestic partner; and
 - (d) the spouse of a member of the employee's immediate family.
- 1-71. Review period: The time period during which an employee's performance is reviewed and for which an overall rating is prepared.
- 1-72. Salary schedule: A series of pay grades or pay bands and the salary rate or range for each pay grade or pay band approved by the County Council under Code Section 33-11 (b).
- 1-73. Seasonal position: A type of temporary position that:
- (a) does not involve year-round employment; and
 - (b) may be used indefinitely to perform work usually associated with a particular season, such as removing snow or collecting fallen leaves.
- 1-74. Social Worker Interns at HHS: Educational program at the Department of Health and Human Services for graduate students currently enrolled in a Master's in Social Work (MSW) program at a university school of social work.
- 1-75. Step salary schedule: A salary schedule consisting of a number of fixed salary levels or "steps"



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for each grade. An employee's pay is advanced from one fixed step on the schedule to the next upon the occurrence of an established event such as the employee's increment date.

- 1-76. Supervisor: The CAO and subordinate personnel who are authorized to perform supervisory functions.
- 1-77. Temporary employee: An incumbent of a temporary position.
- 1-78. Temporary position: A non-career position classified and filled under merit system principles.
- 1-79. Temporary promotion: The short-term, non-permanent assignment of an employee to:
- (a) a vacant position with a higher grade;
 - (b) a vacant position on a different salary schedule at a higher salary; or
 - (c) a higher-level position while the employee in the position is absent on extended leave.
- 1-80. Term employee: An incumbent of a term position.
- 1-81. Term position: A type of full-time or part-time career merit system position that is created for a special term, project, or program, or a position in which the incumbent's employment terminates at the expiration of a specified period of time or term.
- 1-82. Transfer: The movement or detail of an employee from one position or task assignment to another position or task assignment at the same grade or salary either within a department or office or between departments and offices that involves at least one of the following changes:
- (a) from one merit system position to another;
 - (b) from one salary schedule to another;
 - (c) in the physical location of the employee's job or position; or
 - (d) in duty assignment within the same occupational class.



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- 1-83. Uniformed fire/rescue employee: A uniformed employee of the Montgomery County Fire and Rescue Service who occupies a full-time or part-time merit system position.
- 1-84. Unrepresented employee: An employee whose position is not included in any bargaining unit.
- 1-85. USERRA: The 1994 Uniformed Services Employment and Reemployment Rights Act.
- 1-86. Volunteer Firefighter or Rescuer: A person who qualifies as a volunteer firefighter or rescuer as defined in Section 21-1 of the County Code.
- 1-87. Workday: A day on which the employee works or is scheduled to work.
- 1-88. Working days: All days except Saturdays, Sundays, and official or special County holidays.
- 1-89. Workweek or work period: Any repeating seven-day work schedule.

33.07.01.04 Records

- 4-6. Access to employee records.
 - (a) Official personnel file, department operating record, and supervisory file. A non-medical employee record is confidential and is available on a need-to-know basis to:
 - (1) the employee's department director, a person who supervises the work of the individual, or another person who is authorized by the Maryland Public Information Act to inspect the record;
 - (2) the CAO or designee;
 - (3) the OHR Director and staff;
 - (4) the County Attorney and staff;
 - (5) members and staff of the Merit System Protection Board (MSPB);
 - (6) a department head or designee who is considering offering the employee a position; and



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(7) the OLR Chief and staff.

(b) Medical record.

(1) An applicant's or employee's medical record is confidential.

(2) Access to all genetic information, as defined in Section 27-18 of the County Code, is restricted to the Employee Medical Examiner and supporting medical staff.

(3) If an evaluation of an individual's medical or physical condition is reasonably necessary to determine if reasonable accommodation is available for the individual or if the individual is employable, eligible for continued employment, or eligible for a benefit for which the employee has applied, the Manager of Occupational Medical Services or designee may provide or make available an employee's relevant non-psychological medical records (with the exception of genetic information) to the following persons only, and only if the persons are participating in one of the above-referenced decision making processes:

(A) the CAO or designee;

(B) the OHR Director and designated staff;

(C) the County Attorney and designated staff;

(D) members and designated staff of the MSPB;

(E) the Disability Review Panel;

(F) the Disability Arbitration Board or Police Disability Arbitration Board;

(G) Workers' Compensation administrators; and

(H) the OLR Chief and designated staff.

(4) If an applicant or employee has filed a grievance, filed an appeal to the MSPB, applied for a disability retirement, filed a claim for Workers' Compensation benefits, or



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otherwise filed a claim or complaint against the County in which the employee has made an issue of the employee's physical or medical condition, the Manager of Occupational Medical

Services or designee may provide or make available an employee's relevant non-psychological medical records (with the exception of genetic information) to the following persons only, and only if the persons are participating in the litigation or consideration of the claim or complaint:

- (A) the CAO or designee;
 - (B) the OHR Director and designated staff;
 - (C) the County Attorney and designated staff;
 - (D) members and designated staff of the MSPB;
 - (E) the Disability Review Panel;
 - (F) the Disability Arbitration Board or Police Disability Arbitration Board;
 - (G) County Workers' Compensation administrators, when relevant to a Workers' Compensation claim; and
 - (H) the OLR Chief and designated staff.
- (5) The Employee Medical Examiner or designee may disclose relevant, limited medical information to department first-aid and safety personnel if an immediate disclosure is necessary to provide for the emergency health care of an employee.
- (6) An employee's or applicant's psychological records are confidential. If an evaluation of an individual's mental health is reasonably necessary to determine if reasonable accommodation is available for the individual or if the individual is employable or eligible for continued employment, the Manager of Occupational Medical Services or designee may provide or make available an employee's psychological records (with the exception of genetic information) to the following persons only, and only if the persons



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are participating in one of the above-referenced decision making processes:

- (A) the CAO or a selected designee;
 - (B) the OHR Director and select designated staff;
 - (C) the County Attorney and select designated staff; and
 - (D) the OLR Chief and select designated staff.
- (7) If an employee has filed a grievance, filed an appeal to the MSPB, applied for a disability retirement, filed a claim for Workers' Compensation benefits, or otherwise filed a claim or complaint against the County in which the employee has made an issue of the employee's mental health, the Manager of Occupational Medical Services or designee may provide or make available an employee's relevant psychological records (with the exception of records of genetic information) to the following persons only, and only if the persons are participating in the litigation or consideration of the claim or complaint:
- (A) the CAO or a selected designee;
 - (B) the OHR Director and select designated staff;
 - (C) the County Attorney and select designated staff;
 - (D) members and designated staff of the MSPB;
 - (E) members and designated staff of the Disability Review Panel;
 - (F) members and designated staff of the Disability Arbitration Board or Police Disability Arbitration Board;
 - (G) County Workers' Compensation administrators, when relevant to a Workers' Compensation claim; and
 - (H) the OLR Chief and select designated staff.



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33.07.01.14 Employee Development

14-1. OHR-administered training. The OHR Director administers a centralized employee development and tuition assistance program for County employees to facilitate their professional and personal development.

* * *

(b) Centralized employee development.

(1) The OHR Director must:

- (A) administer the general training activities for County employees;
- (B) provide leadership development programs for County managers and supervisors;
and
- (C) monitor the use and cost of County employee development activities.

(2) Many employee development and training needs are generic and can be accommodated effectively and efficiently through a centralized program administered by OHR. The following are examples of employee development and training provided through the centralized program developed and administered by OHR:

- (A) leadership development (Leadership Institute, advanced seminars);
- (B) supervisory development classes;
- (C) customer service classes;
- (D) professional development classes;
- (E) human resources management classes;
- (F) performance management classes;



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- (G) labor relations classes (in conjunction with the Office of Labor Relations);
- (H) skill development classes (examples: writing and communication);
- (I) core mandatory classes (examples: sexual harassment prevention, and employee performance conduct);
- (J) information technology classes (examples: desk-top computer software, internet and web software, and core business systems); and,
- (K) self-directed study (examples: computer lab, and the audio and video loan library).

* * *

33.07.01.34 Grievances

34-1. Definitions.

- (a) Alternative dispute resolution or ADR: Methods, such as conciliation, mediation, settlement conferences, and peer review, for settling disputes more informally and quickly than through the grievance procedure described in Section 34-8.
- (b) CAO's designee: For the purposes of this section, an OLR staff member or other individual designated by the CAO.
- (c) Consolidated grievance: Two or more grievances that are filed by one employee or 2 or more different employees and which are processed as one grievance, if the grievances:
 - (1) concern the same subject; and
 - (2) request the same or similar relief.
- (d) Grievant: An employee or former employee who files a grievance.
- (e) Immediate supervisor: The individual responsible for the assignment and evaluation of an



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employee's work.

- (f) Informal resolution: Efforts made to resolve a grievance before the filing of a written complaint.
- (g) Party: An employee who files a grievance or the department that responds to the grievance.

* * *

34-3. Policy on grievances.

(a) Objectives. The objects of the grievance-resolution process are to:

- (1) resolve grievances at the lowest level and provide an opportunity for resolution at each step;
- (2) provide for review and resolution of grievances by the immediate supervisor, department director, and CAO; and
- (3) provide specific and reasonable time limits for each level or step in the review of a grievance.

* * *

(g) Use of official time to prepare and present a grievance.

* * *

- (4) If an employee's supervisor denies the employee's request for more than 4 hours of official time to prepare a grievance, the employee may appeal the supervisor's denial to the OLR Chief. The decision of the OLR Chief is final.

* * *

(i) Confidentiality of documents and meetings associated with a grievance.

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- (2) The department director, OHR Director, OLR Chief, or CAO, as appropriate depending on the step of the grievance procedure, must ensure that only the following individuals are allowed to review the documents listed in (1), unless grievant has disclosed the grievance to others not listed below:
 - (A) the grievant;
 - (B) the grievant's representative; and
 - (C) individuals who are directly involved in responding to the grievance or resolving it.
- (3) Only the following may attend a grievance meeting or other grievance proceeding without the consent of the grievant:
 - (A) the grievant;
 - (B) the grievant's representative;
 - (C) individuals designated by the CAO, OHR Director, OLR Chief, or department director who are directly involved in responding to the grievance or resolving it;
 - (D) individuals designated by the CAO, OHR Director, OLR Chief, department director, or County Attorney to represent individuals who are directly involved in responding to the grievance or resolving it; and
 - (E) witnesses.
- (4) The OLR Chief must keep grievance files in OLR at least 2 years and then send them to the County Records Center for storage.
- (5) Despite the confidentiality requirements of this subsection, if the OLR Chief finds that a grievance filed by a bargaining unit employee is covered by the employee's collective bargaining agreement, the OLR Chief must notify the certified representative for the bargaining unit of the employee's name and the subject of the grievance.



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- (j) Disclosure of facts. Each party to a grievance must provide disclosure of facts known by or available to that party directly relating to the grievance, unless that information may be withheld under any other applicable law, regulation, or policy. The OLR Chief must resolve disputes that arise under this subsection.

* * *

34-6. Matters that are not grievable.

- (a) The following matters are not grievable:

- (1) a position classification;
- (2) performance ratings, except as provided for in 11-10;

* * *

- (b) An employee may appeal a decision that a matter is not grievable to the MSPB. An employee who wishes to appeal must file the appeal within 10 working days after the employee receives the OLR Chief's decision.

34-7. Investigation of complaints of harassment or retaliation for filing a grievance.

- (a) An employee may file a complaint with the OLR Chief if the employee was harassed or retaliated against by a supervisor or coworker for filing a grievance. The employee must include a written description of the harassment or retaliation.
- (b) The OLR Chief must investigate the complaint and give the employee a written report of findings within 30 calendar days after the OLR Chief receives the complaint.
- (c) The employee may file an appeal with the MSPB if the OLR Chief denies the complaint. The employee must file the appeal within 10 working days after the employee receives the OLR Chief's decision.

34-8. Alternative dispute resolution (ADR).



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- (a) Forms of ADR. The forms of ADR that are described below are available to the parties to a grievance.
- (1) Mediation. In mediation, a neutral party who has been trained as a mediator is designated by the OLR Chief to help the parties resolve a workplace dispute.
 - (2) Settlement conference. At a settlement conference, the parties to a dispute present information and arguments to a 3-person committee consisting of representatives of management, the employee, and OLR. After listening to the parties' presentations, the committee makes a recommendation to the parties to resolve the dispute.
 - (3) Peer resolution panel. In this form of ADR, a panel of no more than 3 trained Montgomery County employees is chosen by the grievant and the OLR Chief. The grievant picks the 1st panel member, the OLR Chief picks the 2nd member, and both pick the 3rd. The panel members may use one or more of the following to develop a recommendation to resolve the grievance:
 - (A) interviewing witnesses and reviewing documents;
 - (B) deciding if a policy or practice was applied correctly, fairly, and consistently;
 - (C) hearing brief presentations by the parties to the grievance; and
 - (D) issuing a non-binding advisory decision sustaining the grievance, denying the grievance, or modifying the action that is the subject of the grievance.
- (b) Ground rules for using ADR.
- (1) In any form of ADR, each party to a dispute must voluntarily agree to participate. The OLR Chief must determine if the County will participate.

* * *

34-9. Grievance procedure.

- (a) Time limit for filing a grievance.



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- (1) A grievance may be dismissed by the OLR Chief if it is not filed within 30 calendar days after:
 - (A) the date on which the employee knew or should have known of the occurrence or action on which the grievance is based; or
 - (B) the date on which the employee received notice, if notice of an action is specifically required by these Regulations.

- (2) If a grievant does not file the grievance at the next step of the grievance procedure within the time limits specified in the procedure, the OLR Chief may consider the grievance resolved on the basis of the most recent response and may end the consideration of the grievance.

* * *

- (6) The OLR Chief may extend the time limits stated in the grievance procedure for compelling reasons. The OLR Chief must give the parties prompt notice of an extension.
- (b) Technical and procedural review of grievances.
- (1) An employee must submit a written grievance on the OLR-approved grievance form (Appendix Q) and must provide the information requested on the form.
 - (2) The OLR Chief may return the grievance to the employee if the employee does not complete the grievance form or provide the information requested on the form.
 - (3) OLR staff is available to help employees complete the grievance form. In performing this function, OLR staff must not act as a grievant's representative or advocate.
 - (4) As instructed by the grievance form, an employee should send a copy of the grievance to OLR when the employee files the grievance at the first step of the grievance procedure.
 - (5) The OLR Chief must review the grievance and decide if the grievance:
 - (A) presents an issue that is grievable under 33.07.01.34, 34- 4;



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(B) was timely filed; and

(C) otherwise complies with this section.

(6) If the grievance does not satisfy the requirements of 34-9(b)(5) the OLR Chief must dismiss the grievance.

(7) The department that the grievance was filed against should not respond to the grievance if OLR advises the department that the issue is not grievable or the grievance is not timely filed.

(8) A department director may use Appendix R to respond to the grievance.

(9) The OLR Chief or CAO may reconsider issues of timeliness or grievability at any stage of the grievance process.

(c) Consolidated grievances.

(1) The OLR Chief may consolidate 2 or more grievances and process them together to save time.

(2) OLR must give written notice to the employee or employees who filed the grievances that the grievances have been consolidated and will be processed together.

(3) If the employee gives written notice to the OLR Chief that the employee objects to the consolidation of the employee's grievance with other grievances, the OLR Chief must process the employee's grievance separately.

(4) If a consolidated grievance includes grievances from more than one department, the OLR Chief may designate one department director to respond to the consolidated grievance at Step 2 of the grievance procedure.

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(e) Steps of the grievance procedure. The following table shows the 3 steps of the grievance procedure, the applicable time limits, and the responsibilities of the parties at each step.



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STEPS OF THE GRIEVANCE PROCEDURE

Step	Individual	Responsibility of individual*
1	Employee	Present job-related problem informally to immediate supervisor.
		If unable to resolve the problem, submit a written grievance on appropriate grievance form to immediate supervisor within 30 calendar days.
		If the grievance is based on an action taken or not taken by OLR, submit the written grievance to the OLR Chief.
	Department Director	Give the employee a written response within 15 working days after the written grievance is received.
2	Employee	If not satisfied with the department director's response, may file the grievance with the CAO by submitting it to OLR within 10 calendar days after receiving the department's response.
	CAO's Designee	Must meet with the employee, employee's representative, and department director's designee within 30 calendar days to attempt to resolve the grievance.
	Employee and Dept. Director	Present information, arguments, and documents to the CAO's designee to support their positions
	CAO's Designee	If unable to resolve the grievance, must provide the CAO with a report that includes background information, issue, the position and arguments of each party, a summary of relevant facts, and a recommended disposition.
	CAO	Must give the employee and department a written decision within 45 calendar days after the Step 2 meeting.
3	Employee	If not satisfied with the CAO's response, may submit an appeal to the MSPB within 10 working days (10 calendar days for a uniformed fire/rescue employee) after the CAO's decision is received.
	MSPB	Must review the employee's appeal under Section 35 of these Regulations

* At each step of the grievance procedure, the parties to a grievance should consider ADR methods to resolve the dispute.

- (f) Request for a transcript of the Step 2 meeting.
 - (1) An employee may request a verbatim transcript of the Step 2 meeting by submitting a written request for a transcript to the OLR Chief at least 10 calendar days before the date



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of the Step 2 meeting.

- (2) The employee must agree to pay ½ of the cost of obtaining the transcript.
 - (3) The OLR Chief must give a copy of the transcript to each party to the grievance or each party's representative.
- (g) Step 2 meeting.
- (1) If the OLR Chief issues the decision on the grievance at the Step 1 level, the CAO must appoint a designee who is not a subordinate of the OLR Chief to conduct the Step 2 meeting.

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33.07.01.35 Merit System Protection Board Appeals, Hearings and Investigations

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35-8. Notification, response and submission of record in appeal.

- (a) The MSPB must promptly notify the CAO, County Attorney, OHR Director, OLR Chief, and department director in writing that a County merit system employee filed an appeal and provide the County Attorney and OLR Chief with a copy of the appeal.
- (b) The MSPB must promptly notify the CAO, County Attorney, OHR Director, OLR Chief, Fire Chief, and Local Fire and Rescue Department in writing that a volunteer firefighter or rescuer filed an appeal and provide the County Attorney, the OLR Chief and the head of the Local Fire and Rescue Department with a copy of the appeal.
- (c) An appellant must respond to an MSPB request for documentation in support of an appeal within 15 working days. The MSPB may grant an extension of time for reasons that the MSPB considers good cause.
- (d) The OLR Chief and County Attorney must respond to an appeal filed by a County merit system employee within 30 calendar days and forward a copy of the action or decision appealed and all



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relevant reports, papers, and documents to the MSPB. The MSPB may grant an extension of time for reasons that the MSPB considers good cause.

- (e) The OLR Chief and County Attorney must respond to an appeal filed by a volunteer firefighter or rescuer challenging an action taken by the Fire Chief within 30 calendar days and forward a copy of the action or decision appealed and all relevant reports, papers, and documents to the MSPB. In all other appeals filed by a volunteer firefighter or rescuer, the Local Fire and Rescue Department must respond within 30 calendar days and forward a copy of the action or decision appealed and all relevant reports, papers, and documents to the MSPB. The MSPB may grant an extension of time for reasons that the MSPB considers good cause.

* * *

35-10. Appellant's right to review; right to hearing.

* * *

- (c) The appealing party, the County Attorney, and the OLR Chief must be served with a written notice of the time, date, and place of the prehearing conference.

* * *

35-16. MSPB decisions.

* * *

- (b) The MSPB must:
 - (1) issue written decisions that set forth findings of fact and conclusions of law;
 - (2) include a statement of each party's appeal rights and the time limit for filing an appeal;
 - (3) send a copy of each decision to:
 - (A) the appellant or appellant's counsel of record;



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- (B) the CAO;
- (C) the County Attorney;
- (D) the OHR Director;
- (E) the OLR Chief;
- (F) the department director; and/or
- (G) the Fire Chief and the local fire and rescue department in a case where the appellant is a volunteer firefighter or rescuer.

- (c) An MSPB decision is final and binding unless appealed to a court of competent jurisdiction;
- (d) A court of competent jurisdiction may enforce an MSPB decision.

* * *

Marc Elrich, County Executive

10/16/19

Date

Approved as to form and legality:

Office of the County Attorney

9/13/2019
Date



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APPENDIX Q: COUNTY GRIEVANCE FORM



Montgomery County, Office of Labor Relations Grievance Form for County Grievance Procedure

FILING INSTRUCTIONS – For more information about the County Grievance Procedure, contact the Labor/Employee Relations Team on 240-777-5114, review Section 34 of the County Personnel Regulations, or click here to go to Section 34.

1. Complete this form and give a copy, along with any supporting documentation, to your supervisor. Failure to provide your supervisor with a copy of your grievance may delay the process. Send one copy and any attachments to the Office of Human Resources, Labor/Employee Relations Team, 101 Monroe, Street, Rockville, Md. 20850.

2. Do/Will you have representation? If so, please provide name: _____
mailing address: _____ phone no.: _____

3. Would you be interested in Alternative Dispute Resolution? Yes ___ No ___

Failure to provide complete information may delay the processing of your grievance.

FILING INFORMATION: (Please Print Clearly)

Employee's Name: _____ Position Title: _____ Grade: _____
Department/Division/Section: _____ Immediate Supervisor: _____
Home Address: _____
Phone: Home: _____ Work: _____ E-mail address: _____

GRIEVANCE STATEMENT - You must cite the specific written policy, regulation, or treatment in which you believe a violation or inequity occurred. Please attach additional information if more space is needed. Failure to provide complete information may delay the processing your grievance.

RELIEF REQUESTED

Employee's Signature: _____ Date: _____



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DEPARTMENT/SUPERVISOR INFORMATION In order to respond to the employee's grievance, please complete the Grievance Response Form, which can be obtained from OHR, Labor Relations Team or online at the OHR Resource Library.



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APPENDIX R: COUNTY GRIEVANCE FORM



Montgomery County, Office of Labor Relations

DEPARTMENT/SUPERVISOR GRIEVANCE RESPONSE FORM

You are required to complete this form because an employee you supervise has filed a grievance. For more information about the County Grievance Procedure contact the Labor/Employee Relations Team on 240-777-5114, review Section 34 of the Montgomery County Personnel Regulations, or click here to go to Section 34.

SUPERVISOR'S RESPONSE: _____ Date Received _____

Supervisor's Name and Signature _____ Date _____

RESOLVED: Yes No (If not resolved, employee has ten calendar days upon receipt of response to appeal to next step.)

DEPARTMENT/AGENCY HEAD'S RESPONSE: _____ Date Received _____

Department Agency Head's Name and Signature _____ Date _____

Employee's Signature _____ Date _____

RESOLVED: Yes No (If not resolved, employee has ten calendar days upon receipt of response to appeal to next step.)

OHR DIRECTOR'S RESPONSE: _____ Date Received _____

OHR Director's Signature _____ Date _____

Employee's Signature _____ Date _____

RESOLVED: Yes No (If not resolved, employee has ten calendar days upon receipt of response to appeal to next step.)

CHIEF ADMINISTRATIVE OFFICER'S RESPONSE: _____ Date Received _____

Chief Administrative Officer's Signature _____ Date _____

RESOLVED: Yes No

A grievance may be appealed to the Merit System Protection Board within 10 working days of receipt of the Chief Administrative Officer's response.