



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Sworn Police Managers	Number 6-18
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on:  
 Creation of a Police Leadership Service  
 Compensation Plan  
 Issued by: County Executive  
 Regulation No. 6-18  
 COMCOR No. 33.07.01  
 Supersedes: Executive Regulation 12-00AM, in part,  
 Executive Regulation 26-07, in part,  
 and Executive Regulation 16-13, in part  
 Authority: Montgomery County Code (2004) §33-11(b)  
 Council Review: Method (1)  
 Montgomery County Register Volume 35, Issue 5  
 Comment Deadline: May 31, 2018  
 Effective date: \_\_\_\_\_  
 Sunset Date: None

Summary: This regulation amends Sections 33-1, 33-10, 33-11, 33-12, 33-13, 33-15, and 33-16 of COMAR to create a new Police Leadership Services (PLS) salary schedule to include in the sworn police managers schedule, including the practice of aligning salary increases with performance.

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Please use the key below when reading this regulation:

**Boldface**  
Underlining  
 \* \* \*

*Heading or defined term.*  
*Added to existing regulation by proposed regulation.*  
*Existing language unchanged by executive regulation.*

## SECTION 1. DEFINITIONS

\* \* \*

**1-54. Police Leadership Service (PLS):** Police Leadership Service (PLS): A program for merit system employees in high level positions who have responsibility for managing County public safety programs and services or developing and promoting public policy for major programs and management functions.



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or both, that includes a broadband classification system, performance-based pay, public safety pay, and professional development opportunities.

\* \* \*

## SECTION 10. EMPLOYEE COMPENSATION

\* \* \*

### 10-1. Definitions.

\* \* \*

- (c) **Control point:** A point established at 90 percent of the salary range that is used to control an employee's progression through the pay range associated with an MLS class or a PLS rank. An employee's base salary may advance within the salary range beyond the control point only if the employee's performance is ranked as "Highly Successful Performance" or "Exceptional Performance". The control point is calculated by using the following formula:

$$\text{Salary range maximum} - \text{Salary range minimum} = \text{Salary range dollars}$$

$$\text{Salary range dollars multiplied by } 0.9 + \text{Salary range minimum} = \text{Control point.}$$

\* \* \*

### 10-3. Uniform salary plan.

\* \* \*

- (a) The uniform salary plan consists of salary schedules authorized in Code Section 33-11(b) for:



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(3) sworn police managers in the Police Leadership Service (PLS);

\* \* \*

## 10-5. Salary-setting policies.

\* \* \*

(c) Salary on promotion.

\* \* \*

(2) Compensation for a temporary promotion.

\* \* \*

(C) A non-MLS or PLS employee who is temporarily promoted to an MLS position:

(i) is not eligible for performance-based pay under MLS or PLS guidelines; and

\* \* \*

(d) Salary on demotion.

\* \* \*

(4) Demotion resulting from reduction-in-force or disability.

\* \* \*

(A) If a General salary schedule (GSS), MLS, or a PLS [or an MLS] employee is demoted as a result of reduction-in-force to a class that is non-bargaining unit, the department director must allow the employee to



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retain the salary received at the time of the demotion. If the demoted employee's salary exceeds the maximum for the new pay grade or pay band, the department director must allow the employee to retain the salary for 2 years after the demotion.

\* \* \*

## 10-10. Performance-based pay.

(a) Performance-based pay for MLS and 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.



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- (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.
- (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.



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

<u>Overall performance rating:</u>	<u>If employee's salary is below 90 percent of pay band</u>	<u>If employee's salary is at or above 90 percent of pay band</u>	<u>If employee's salary is at top of pay band</u>
<u>Exceptional Performance</u>	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.
<u>Highly Successful Performance</u>	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.
<u>Successful Performance</u>	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.
<u>Below Expectations</u>	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.	Employee is not eligible for performance-based pay.
<u>Does Not Meet Expectations</u>	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*.



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

\* \* \*

**(c) Administration of performance-based pay.**

**(1) Role of department director.**

**(A) For MLS and PLS Employees.**

(i) A department director must recommend the individual award amount for an MLS or PLS employee in the department and must recommend individual award amounts that are consistent with, and do not exceed, the award amounts in the table in Section 10-10(a)(2)(C)(i).

(ii) A department director must notify OHR prior to the first pay period of the fiscal year if a General wage adjustment will be denied to an MLS or PLS employee, based on the pending overall performance rating given the employee. The department director must give the employee written notice of the denial and include in the notice information about the employee's right to appeal the denial to the MSPB and the time limit for filing an appeal.



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(C) For MLS, PLS, and general salary schedule employees. A department director must not supplement the amount of a performance-based pay award with funds from the department budget.

(2) Approval of performance-based pay awards.

(A) For Executive branch MLS and PLS positions, the CAO must review each recommendation for an award and determine the amount of each performance-based pay award. The CAO has final discretionary authority to approve performance-based pay awards for MLS and PLS employees in the executive branch.

\* \* \*

(3) Role of Office of Management and Budget (OMB) and Office of Human Resources (OHR).

\* \* \*

(C) Performance-based pay must be allocated based on performance, not department size or other non-performance criteria. Funds dedicated to this purpose must be identified in the recommended operating budget in a non-departmental account for performance-based pay. OMB must not move the funds appropriated by the County Council for MLS and PLS performance-based pay out of the non-departmental account unless the





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spending conditions in the appropriation resolution for each fiscal year expressly authorize moving the funds to the individual departments after that department's performance evaluations and pay awards decisions are completed.

\* \* \*

- (E) OHR must provide:
  - (i) performance evaluation procedures for MLS and PLS employees and employees in positions on the general salary schedule;
  - (ii) training and technical support to departments implementing the MLS and PLS performance evaluation process and the performance evaluation process in Section 11 of these Regulations for employees in positions on the general salary schedule; and
  - (iii) technical guidance and support to implement performance-based pay.
  
- (F) For MLS and PLS employees, OHR must report to the CAO and County Council annually the distribution by EEO categories of performance ratings and pay changes.
  
- (4) Effective date of compensation awards.



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(A) Performance-based pay for MLS and PLS employees must be awarded on a fiscal year basis and a compensation increase awarded to an MLS or PLS employee under the performance-based pay system must be effective at the beginning of the first full pay period after July 1st of each year.

\* \* \*

**(5) Appeals of performance-based pay decisions.**

(A) An MLS or PLS employee may not grieve or appeal a recommendation by a department director or a decision by the CAO or director of a legislative branch office to grant or not grant a performance-based pay award, the type of award granted, or the amount of award granted.

(B) An MLS or PLS employee who is denied a general wage adjustment may file a grievance under Section 34 of these Regulations.

\* \* \*

**10-11. Stand-by pay.**

\* \* \*

(e) An MLS or PLS employee is not eligible to receive stand-by pay.

\* \* \*

**SECTION 11. PERFORMANCE PLANNING AND EVALUATION**

\* \* \*



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### 11-3. Responsibility for performance planning and evaluation.

(a) The CAO must:

(1) establish mandatory performance objectives for the MLS and PLS; and

\* \* \*

### 11-5. The performance plan.

\* \* \*

(b) Annual review period

\* \* \*

(3) The annual review period for an MLS or PLS employee begins July 1 and ends June 30.

\* \* \*

### SECTION 12. SERVICE INCREMENTS

\* \* \*

### 12-5. Policy on service increments.

\* \* \*

(d) An MLS or PLS employee is not eligible to receive a service increment, but is eligible to receive a performance-based pay increase if recommended by an Executive Branch department director and the CAO approves a performance-based pay increase for an eligible MLS or PLS Executive Branch employee and if a Legislative Branch department



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director approves a performance-based pay increase for an eligible MLS Legislative Branch employee.

\* \* \*

## 12-6. Reassignment of a service increment date.

\* \* \*

(g) The OHR Director must assign a new service increment date to an employee in an MLS or PLS position who is promoted, demoted, or reassigned to a non-MLS or non-PLS position.

(1) If the County employee was in a non-MLS or non-PLS position and had a service increment date before taking the MLS or PLS position, the OHR Director must assign as the new service increment date the last service increment date that the employee had before becoming an MLS or PLS employee.

(2) If the employee was not in a non-MLS or non-PLS position before taking the MLS or PLS position, the OHR Director must assign a new service increment date as the date when the employee was first employed in a County merit system position.

\* \* \*

## 12-8. Twenty-year longevity increment for [police,] fire, sheriff or correction management.

(a) A department director must award a twenty-year longevity increment to an employee who has:

(1) completed twenty years of active service (excluding temporary service); and



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(2) is in a position on the [police,] fire, sheriff, and correction management salary schedules.]; and]

\* \* \*

## SECTION 13. PERFORMANCE AWARDS

\* \* \*

### 13-1. Policy on employee performance awards.

\* \* \*

(d) An MLS or PLS employee is not eligible for a monetary award under this section except with approval of the CAO or as outlined in Section 13-2(d).

\* \* \*

### 13-2. Monetary awards.

(d) *Paid Time Off or Annual Leave Award for MLS or PLS 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 amount of annual leave for MLS and PLS employees who are members of a defined benefit pension plan and who earn annual leave and sick leave instead of Paid Time Off.

(2) *Eligibility.* MLS and PLS employees are eligible.

(3) *Award criteria.* A Paid Time Off or Annual Leave Award for an MLS or PLS employee is neither ordinary nor usual but may be appropriate to recognize:

(A) exceptional performance for an extended period of time;



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(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 (i.e. general emergency, local emergency, and liberal leave periods).

(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 approve a Paid Time Off Award or an Annual Leave Award to an MLS or PLS employee.

### 13-3. Procedures for monetary awards.

(a) A department director must:

\* \* \*

(2) recommend to the CAO an MLS or PLS employee who deserves to receive a Paid Time Off Award or an Annual Leave Award and document the reason for the award;

\* \* \*

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



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## SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

\* \* \*

### 15-3. Workday and workweek.

\* \* \*

#### (d) Workweek for MLS and PLS employees.

- (1) An employee assigned to an MLS or PLS position is expected to work the hours required to complete assigned work, but not less than 80 hours per pay period for a full-time employee, or the regularly scheduled number of hours in a part-time employee's pay period.
- (2) If an employee in an MLS or PLS position works more than half of the employee's regularly scheduled workday, the employee's supervisor may grant administrative leave to the employee for the remainder of the work day.
- (3) The department director may grant administrative leave for more than half of a regularly scheduled work day to an MLS or PLS employee who has worked an unusually large number of hours in the same or any previous pay period.

\* \* \*

### 15-4. Alternate work schedules.

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

\* \* \*



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(3) *Requirements for an alternate work schedule for religious observance.*

\* \* \*

(C) *For an MLS or PLS employee.* An MLS or PLS employee may request an alternate work schedule during the same pay period to equal the amount of time taken off for religious observances.

\* \* \*

**SECTION 16. ANNUAL LEAVE**

\* \* \*

**16-7. Maximum annual leave accumulation.** The table below shows the maximum annual leave hours that an employee may carry over to the next leave year. These limits do not apply to accumulated annual leave balances during the leave year. A uniformed fire/rescue employee may carry over a prorated amount of annual leave.

Maximum Amount of Annual Leave that May Be Carried Over to the Next Leave Year		
Type of position	Initial employment date	Carryover limit
Full- or part- time position	before January 1, 1957	560
Full- or part- time position	January 1, 1957 through June 30, 1972	320
Full- or part- time position	After June 30, 1972	240
MLS or PLS position	any initial employment date	320
Full- or part-time position occupied by former State/County employee	any initial employment date	400

\* \* \*





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Approved: \_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

Approved as to form and legality:

  
\_\_\_\_\_  
Office of the County Attorney

4/17/2018  
Date