

MEMORANDUM

January 12, 2018

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney



SUBJECT: **Public Hearing:** Expedited Bill 40-17, Personnel – Merit System – Salary and Wage Plans – Police Leadership Service

Expedited Bill 40-17, Personnel – Merit System – Salary and Wage Plans – Police Leadership Service, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on December 12, 2017. A Government Operations and Fiscal Policy Committee worksession is tentatively scheduled for March 15, 2018 at 9:30 a.m.

Background

Bill 40-17 would permit the uniform salary plan for sworn police managers to include a salary schedule for a Police Leadership Service (PLS) like the Management Leadership Service. The Bill would authorize the Chief Administrative Officer to establish the PLS for lieutenants and captains in the Department of Police by method 1 regulation.

The Bill would also establish the following guidelines for operation of the PLS. The PLS must:

- (1) be established within the Merit System;
- (2) include only lieutenants and captains in the Department of Police;
- (3) provide a compensation system designed to attract and retain highly competent senior police managers and compensate lieutenants and captains on the basis of individual and organizational performance (including success in improving efficiency, productivity, quality of work or service, cost efficiency, and timeliness and complying with anti-discrimination and equal employment opportunity requirements);
- (4) ensure that senior police managers are accountable and responsible for the effectiveness and productivity of the employees they supervise;
- (5) ensure accountability for honest, economical, and efficient police service;
- (6) recognize exceptional accomplishment;
- (7) enable the Police Chief reasonably to reassign senior police managers to promote the mission and goals of the Department of Police;
- (8) protect senior police managers from arbitrary and capricious actions and maintain a Merit System free of prohibited personnel practices;

- (9) ensure compliance with applicable personnel laws, including those related to equal employment opportunity, political activity, and conflicts of interest;
- (10) enhance the management and leadership skills of highly competent senior police managers through professional development; and
- (11) appoint career police managers to fill PLS positions to the extent practical, consistent with the effective and efficient implementation of Department of Police policies and responsibilities.

The Police Leadership Service is designed to reduce wage compression between the compensation received by police officers and the compensation received by lieutenants and captains and establish a pay for performance module for these managers to enhance the recruitment of senior sworn police managers.

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 40-17
Concerning: Personnel – Merit System –
Salary and Wage Plans – Police
Leadership Service
Revised: 12/7/2017 Draft No. 3
Introduced: December 12, 2017
Expires: June 12, 2019
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) modify the uniform salary plan for police sworn managers to include a salary schedule for a Police Leadership Service;
- (2) authorize the Chief Administrative Officer to establish a Police Leadership Service under the merit system for lieutenants and captains in the Department of Police;
- (3) establish guidelines for the Police Leadership Service; and
- (4) generally amend the law governing salary schedules for County employees under the merit system.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-11

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Section 33-11 is amended as follows:**

2 **33-11. Classification; salary and wage plans.**

3 (a) *Classification.*

4 (1) The Chief Administrative Officer must apply the classification
5 standards in this Chapter and the Personnel Regulations to:

6 (A) establish and abolish occupational classes as necessary for
7 effective and economical operation of the County
8 government;

9 (B) assign all positions in the merit system to proper classes;

10 (C) assign pay grades to classes; and

11 (D) establish a procedure for the administrative review of an
12 employee's objection to an assignment action that
13 downgrades the employee's position.

14 The Board must have a reasonable opportunity to review and comment
15 on any proposed new classes except new classes proposed for the
16 Management Leadership Service under paragraph (2).

17 (2) The CAO may establish by amendment to the Personnel
18 Regulations under method (1) a Management Leadership Service
19 (MLS) to ensure that the senior management of the County
20 government is responsive to the needs, policies, and goals of the
21 County and is the highest quality possible. The MLS must:

22 (A) be established within the Merit System;

23 (B) provide a compensation system designed to attract and
24 retain highly competent senior managers and compensate
25 employees on the basis of individual and organizational
26 performance (including success in improving efficiency,
27 productivity, quality of work or service, cost efficiency, and

- 28 timeliness and complying with anti-discrimination and
29 equal employment opportunity requirements);
- 30 (C) ensure that senior managers are accountable and responsible
31 for the effectiveness and productivity of the employees they
32 supervise;
- 33 (D) ensure accountability for honest, economical, and efficient
34 government;
- 35 (E) recognize exceptional accomplishment;
- 36 (F) enable the CAO reasonably to reassign senior managers to
37 promote the mission and goals of the County government;
- 38 (G) protect senior managers from arbitrary and capricious
39 actions and maintain a Merit System free of prohibited
40 personnel practices;
- 41 (H) ensure compliance with applicable personnel laws,
42 including those related to equal employment opportunity,
43 political activity, and conflicts of interest;
- 44 (I) enhance the management and leadership skills of highly
45 competent senior managers through professional
46 development; and
- 47 (J) appoint career managers to fill MLS positions to the extent
48 practical, consistent with the effective and efficient
49 implementation of agency policies and responsibilities.
- 50 (3) The CAO may establish by amendment to the Personnel
51 Regulations under method (1) a Police Leadership Service (PLS)
52 to ensure that the senior management of the Department of Police
53 is responsive to the needs, policies, and goals of the County and is
54 the highest quality possible. The PLS must:

- 55 (A) be established within the Merit System;
56 (B) include only lieutenants and captains in the Department of
57 Police;
58 (C) provide a compensation system designed to attract and
59 retain highly competent senior police managers and
60 compensate lieutenants and captains on the basis of
61 individual and organizational performance (including
62 success in improving efficiency, productivity, quality of
63 work or service, cost efficiency, and timeliness and
64 complying with anti-discrimination and equal employment
65 opportunity requirements);
66 (D) ensure that senior police managers are accountable and
67 responsible for the effectiveness and productivity of the
68 employees they supervise;
69 (E) ensure accountability for honest, economical, and efficient
70 police service;
71 (F) recognize exceptional accomplishment;
72 (G) enable the Police Chief reasonably to reassign senior police
73 managers to promote the mission and goals of the
74 Department of Police;
75 (H) protect senior police managers from arbitrary and capricious
76 actions and maintain a Merit System free of prohibited
77 personnel practices;
78 (I) ensure compliance with applicable personnel laws,
79 including those related to equal employment opportunity,
80 political activity, and conflicts of interest;

- 81 (J) enhance the management and leadership skills of highly
 82 competent senior police managers through professional
 83 development; and
- 84 (K) appoint career police managers to fill PLS positions to the
 85 extent practical, consistent with the effective and efficient
 86 implementation of Department of Police policies and
 87 responsibilities.
- 88 (4) The CAO must determine by written finding that a reclassification
 89 is necessary for the efficient and effective operation of County
 90 government before approving an upward reclassification of a
 91 position between July 1 and December 31 of any year in which the
 92 County Executive is elected.
- 93 (b) *Uniform salary plan.*
- 94 (1) The uniform salary plan consists of:
- 95 (A) salary schedules for employees represented by certified
 96 employee organizations;
- 97 (B) a minimum wage/seasonal salary schedule;
- 98 (C) a salary schedule for sworn police managers and positions
 99 included in the Police Leadership Service;
- 100 (D) a salary schedule for uniformed fire/rescue managers;
- 101 (E) a salary schedule for sworn deputy sheriff managers;
- 102 (F) a salary schedule for uniformed correctional managers;
- 103 (G) a salary schedule for medical doctors;
- 104 (H) a salary schedule for employees in positions included in the
 105 Management Leadership Service; and
- 106 (I) a general salary schedule for all other employees.

- 107 (2) The Chief Administrative Officer may recommend to the County
108 Council amendments to the uniform salary plan.
- 109 (3) The Council must approve the uniform salary plan and any
110 amendments by resolution.
- 111 (4) In approving the salary plan or amendments, the Council may
112 consider such factors as:
- 113 (A) experience;
- 114 (B) prevailing salary rates for comparable services in both the
115 public and private sectors;
- 116 (C) County collective bargaining agreements;
- 117 (D) living costs; and
- 118 (E) other employee benefits.
- 119 (5) A salary schedule must include grades and a salary rate or salary
120 range for each grade.
- 121 (6) The Chief Administrative Officer must assign each occupational
122 class to an appropriate grade under an approved salary schedule.
- 123 (7) The minimum wage/seasonal salary schedule must identify each
124 occupational class assigned to the salary schedule. The Chief
125 Administrative Officer may assign an occupational class to the
126 minimum wage/seasonal salary schedule only if all employees in
127 the class:
- 128 (A) are paid the federal minimum wage; or
- 129 (B) work for the County fewer than:
- 130 (i) 20 regularly scheduled hours per week on a
131 continuing year- round or school-year basis; or
- 132 (ii) 1040 hours in a 12-month period; or

- 133 (C) are participants in the County's Conservation/Service Corps
134 job training program.
- 135 (8) The Chief Administrative Officer must base any recommendation
136 to amend the police management salary schedule on:
- 137 (A) police management salary rates in neighboring
138 jurisdictions;
- 139 (B) County collective bargaining agreements that establish the
140 pay and benefits of police officers;
- 141 (C) other pay and benefits available to police management;
- 142 (D) availability of funds; and
- 143 (E) any other relevant factors.
- 144 (9) The Chief Administrative Officer must base any recommendation
145 to amend the fire/rescue management salary schedule on:
- 146 (A) fire/rescue management salary rates in neighboring
147 jurisdictions;
- 148 (B) County collective bargaining agreements that establish the
149 pay and benefits of uniformed fire/rescue employees;
- 150 (C) other pay and benefits available to fire/rescue management;
- 151 (D) availability of funds; and
- 152 (E) any other relevant factors.
- 153 (10) The Chief Administrative Officer must base any recommendation
154 to amend the sworn deputy sheriff management salary schedule
155 on:
- 156 (A) salary rates of sworn deputy sheriff managers in
157 neighboring jurisdictions;
- 158 (B) County collective bargaining agreements that establish the
159 pay and benefits of deputy sheriffs;

- 160 (C) other pay and benefits available to sworn deputy sheriff
161 managers;
- 162 (D) availability of funds; and
163 (E) any other relevant factors.
- 164 (11) The Chief Administrative Officer must base any recommendation
165 to amend the uniformed correctional management salary schedule
166 on:
- 167 (A) salary rates of uniformed correctional managers in
168 neighboring jurisdictions;
- 169 (B) County collective bargaining agreements that establish the
170 pay and benefits of correctional officers;
- 171 (C) other pay and benefits available to uniformed correctional
172 managers;
- 173 (D) availability of funds; and
174 (E) any other relevant factors.
- 175 (12) The Chief Administrative Officer must base any recommendation
176 to amend the medical doctors' salary schedule on:
- 177 (A) salaries of medical doctors employed in the public and
178 private sectors in Montgomery County;
- 179 (B) salaries of medical doctors employed in the public and
180 private sectors in neighboring jurisdictions;
- 181 (C) other pay and benefits available to medical doctors;
- 182 (D) availability of funds; and
183 (E) any other relevant factors.
- 184 (13) The Chief Administrative Officer must ensure that all occupational
185 classes that require comparable experience and have comparable
186 duties, responsibilities, and authority are paid comparable salaries

187 that reflect the relative value of the services performed, except
188 occupational classes on the salary schedules for:

189 (A) sworn police managers included in the Police Leadership
190 Service;

191 (B) uniformed fire/rescue managers;

192 (C) sworn deputy sheriff managers;

193 (D) uniformed correctional managers;

194 (E) deputy sheriffs in the Office, Professional, and Technical
195 bargaining unit;

196 (F) the police bargaining unit;

197 (G) the fire/rescue bargaining unit;

198 (H) medical doctors;

199 (I) Management Leadership Service; and

200 (J) minimum wage/seasonal employees.

201 (14) The Chief Administrative Officer may recommend compensation
202 policies for overtime, pay differentials, and other salary and wage
203 benefits to the County Council. The County Council must approve
204 any such policy or benefit.

205 (15) Any plan, policy, or schedule approved by the County Council
206 under this subsection is subject to the provisions of this Chapter
207 regarding employees who are represented by a certified employee
208 organization.

209 (c) *Salary policies.* Employees must be paid on a biweekly basis. Except as
210 expressly provided by federal, state, or County law, the Chief
211 Administrative Officer must determine any applicable payroll deductions
212 and charges for deductions, including state income tax withholding for
213 any state where an employee resides. The Chief Administrative Officer

214 may deduct from an employee's salary, without written authorization,
 215 any amount specified under any automatic enrollment provision of the
 216 Deferred Compensation Plan established under Section 33-142 and of a
 217 deferred compensation plan established under Section 33-146B to the
 218 extent permitted by a collective bargaining agreement if the employee is
 219 a member of an applicable bargaining unit. When an employee leaves
 220 County employment, any debts the employee owes to the County may be
 221 deducted from any unpaid salary, accrued annual or compensatory leave,
 222 or retirement contributions due to the employee.

223 (d) *Other compensation policies.* The chief administrative officer may
 224 establish other compensation policies to recognize employees who
 225 perform in an extraordinary manner either on a sustained performance
 226 basis or in recognition of a specific act or service. These compensation
 227 policies may include monetary awards to employees making suggestions
 228 which result in better public service, cost savings or more efficient
 229 operations. Compensation policies may be in the form of cash awards or
 230 be part of the uniform salary plan.

231 **Sec. 2. Expedited Effective Date.**

232 The Council declares that this legislation is necessary for the immediate
 233 protection of the public interest. This Act takes effect on the date on which it becomes
 234 law.

235 *Approved:*

236

Hans D. Riemer, President, County Council

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 40-17

Personnel – Merit System – Salary and Wage Plans – Police Leadership Service

DESCRIPTION: The requested legislation amends Section 33-11, *Classification; salary and wage plans*, of the Merit System Law to authorize the Chief Administrative Officer to establish, by method 1 regulation, a Police Leadership Service for lieutenants and captains in the Department of Police.

PROBLEM: The County has had difficulty in recruiting police managers due to wage compression between the officer and manager ranks and the inability to award police managers higher wages based upon performance. The 19.3 percent difference between sergeants' and lieutenants' average total salary (base plus longevity) and the 15.7 percent difference between the salary schedules themselves (at longevity maximum) is diminished due to the availability of variable compensation, such as overtime and other elements of compensation. A new salary schedule for Police Leadership Service is needed to properly align the salaries of lieutenants and captains with the market for these services and other management leaders in the County.

GOALS AND OBJECTIVES: To address recruitment and retention issues for lieutenants and captains created by not aligning these management positions with the Management Leadership service salary schedule.

COORDINATION: Office of Human Resources and Department of Police

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Department of Finance

EVALUATION: n/a

EXPERIENCE ELSEWHERE: n/a

SOURCE OF INFORMATION: Lori O'Brien, OHR (7-5032), and David Anderson, POL (3-6072)

APPLICATION WITHIN MUNICIPALITIES: n/a

PENALTIES: n/a



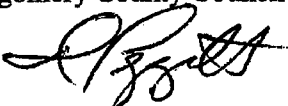
OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

December 1, 2017

TO: Roger Berliner, President, Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Expedited Bill to add Police Leadership Service (PLS) to Sworn Police Manager Salary Schedule

I am attaching for Council introduction an Expedited Bill that would create a new Police Leadership Service schedule in the Sworn Police Manager Salary Schedule. The amended schedule would create a new Police Leadership Services (PLS) salary schedule that includes the practice of aligning salary increases with performance and would improve the Police Department's ability to attract, retain, and motivate qualified applicants to move through the ranks to management.

Under administrative direction, the Sworn Police Managers in the County are responsible for planning, directing, managing, supervising and coordinating the activities and operations of an assigned service area within the Police Department. This level of management responsibility is consistent with the tenets of the Management Leadership Service (MLS) structure in which MLS employees have responsibility for managing County programs and services, or developing and promoting public policy for major programs and management functions, or both. Major components of the MLS program include a broadband classification system, performance accountability with performance-based pay, professional development opportunities, and a County-wide focus in program and policy development. Adopting the MLS' salaries and structure for the Sworn Police Managers in the County would appropriately reflect the salaries that are paid management ranks in comparable jurisdictions.

The Police Department has identified a number of issues resulting from the current police management compensation plan. Foremost among those is that the department has not been able to improve the rate at which Sergeants take the Lieutenant assessment, enabling the department to choose from among a large pool of qualified candidates. Testing most recently occurred in 2009, 2012, 2014, and 2016, and the number of officers taking the exam were 35, 31, 30, and 22, respectively. As there are currently 151 active Sergeants, the relative level of interest is very low. Further, as detailed in a PFM Group report, the proportion of eligible Sergeants who take the Lieutenant promotional exam is lower in Montgomery County than in the regional police departments surveyed. This issue continues to exist despite extensive outreach and training.

Roger Berliner, President
Amendment of Police Management Salary Schedule
December 1, 2017
Page 2 of 2

By aligning the police leadership schedule with the MLS schedule, we will improve oversight and recruitment into the management ranks, allowing us to continue to maintain the highest standards of public safety for the citizens and guests of Montgomery County. The proposed Police Leadership Service Salary Schedule both provides an incentive for Sergeants to enter management ranks and also provides continuous alignment of pay with performance, through the management performance-based compensation system. A fiscal impact statement and a legislative request report for the bill are also attached.

If you have any questions concerning this correspondence, please contact Lori O'Brien, Lead Compensation Analyst, in the Office of Human Resources at 240.777.5032 or by email at lori.obrien@montgomerycountymd.gov.

Attachments:

Expedited Bill XX-17 Personnel – Salary Schedules
Legislative Request Report
Fiscal Impact Statement
Economic Impact Statement
PLS Salary Schedule (Attachment 1)

cc: Fariba Kassiri, Assistant Chief Administrative Officer
Kameron Coefield, Office of Human Resources
Lori O'Brien, Office of Human Resources
Luther Reynolds, Police Department
Tom Jordan, Police Department
David Anderson, Police Department
Jelani Newton, Office of Management and Budget
Corey Orlosky, Office of Management and Budget

Fiscal Impact Statement
Bill XX-17 Personnel – Salary Schedules

1. Legislative Summary.

The proposed legislation would amend the County Code to modify the uniform salary plan for police sworn managers to include a salary schedule for Police Leadership Services (PLS), establish factors on which the Chief Administrative Officer (CAO) must base any recommended amendment to these salary schedules, and generally amend the law governing salary schedules for County employees.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The proposed legislation would not have a fiscal impact, as it only serves to allow the CAO to establish a PLS.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See #2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

6. An estimate of the staff time needed to implement the bill.

Not applicable.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

8. An estimate of costs when an additional appropriation is needed.

Not applicable.

9. A description of any variable that could affect revenue and cost estimates.

Implementation of a new salary schedule for police sworn managers following the parameters in this legislation has the potential to have a fiscal impact.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a bill is likely to have no fiscal impact, why that is the case.

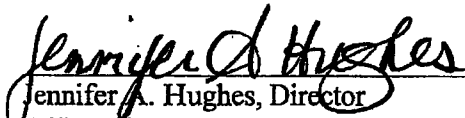
This proposed legislation amends the County Code to allow the CAO to establish a new salary schedule for police sworn managers within the uniform salary plan. However, this legislation does not necessitate a change in the salary plan.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis:

Kameron Coefield, Office of Human Resources
Lori O'Brien, Office of Human Resources
Jelani Newton, Office of Management and Budget
Corey Orlosky, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

11/28/17
Date

**Economic Impact Statement
Bill #-17, Concerning Personnel – Salary Schedule**

Background:

This legislation would modify the uniform salary plan for police sworn managers to include a salary schedule for Police Leadership Service, and establish factors on which the Chief Administrative Officer must base any recommended amendment to these salary schedules.

1. The sources of information, assumptions, and methodologies used.

The source of information is the Office of Human Resources (OHR). There are no assumptions and methodologies used in the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

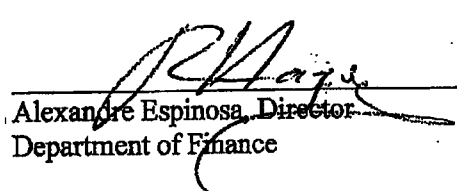
According to OHR, the legislation will affect 56 police sworn managers. Bill #-17 would have no economic impact on employment, spending, savings, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see item #3.

5. The following contributed to or concurred with this analysis:

Kameron Coefield, Office of Human Resources
Lori O'Brien, Office of Human Resources
David Platt, Department of Finance
Rob Hagedoorn, Department of Finance

FOR

Alexandre Espinosa, Director
Department of Finance

11/29/2017
Date

**MONTGOMERY COUNTY GOVERNMENT
POLICE MANAGEMENT
SALARY SCHEDULE
FISCAL YEAR 2018
EFFECTIVE JULY 9, 2017**

<u>GRADE</u>	<u>RANK</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>LONGEVITY*</u>
A2	POLICE LIEUTENANT	\$81,473	\$122,718	\$127,013
A3	POLICE CAPTAIN	\$92,787	\$140,186	\$145,092

* Completion of 20 Years of Service.
Longevity is 3.5% for Police Management.

FY18 Notes:

- FY17 GWA is 2.0% on July 9, 2017, for Police Management.

**MONTGOMERY COUNTY GOVERNMENT
POLICE LEADERSHIP SERVICE
SALARY SCHEDULE
FISCAL YEAR 2018
RECOMMENDED**

<u>GRADE</u>	<u>PLS LEVEL</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>CONTROL POINT</u>	<u>MAXIMUM</u>
A2	POLICE LIEUTENANT ¹	\$75,934	\$107,362	\$132,504	\$138,790
A3	POLICE CAPTAIN ²	\$88,388	\$124,421	\$153,247	\$160,454

¹ Department policy to determine actual minimum, based on established increases over similarly situated Sergeants.

² Commander receives a pay differential on top of the Captain's salary, as is current practice.

Please note that the Assistant Chiefs, appointed non-merit positions, are currently paid a salary roughly equivalent to an MLS I.

**MONTGOMERY COUNTY GOVERNMENT
MANAGEMENT LEADERSHIP SERVICE
SALARY SCHEDULE
FISCAL YEAR 2018
EFFECTIVE AUGUST 6, 2017**

<u>PAY BAND</u>	<u>MLS LEVEL</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>CONTROL POINT</u>	<u>MAXIMUM</u>
M1	MANAGEMENT LEVEL I	\$101,077	\$140,300	\$171,678	\$179,523
M2	MANAGEMENT LEVEL II	\$88,388	\$124,421	\$153,247	\$160,454
M3	MANAGEMENT LEVEL III	\$75,934	\$107,362	\$132,504	\$138,790

FY18 Notes:

- FY18 GWA is 2.0% on August 6, 2017, for Management Leadership Service employees.