

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
Enacted: April 3, 2018
Executive: April 5, 2018
Effective: April 5, 2018
Sunset Date: None
Ch. 5, Laws of Mont. Co. 2018

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.

Approved:

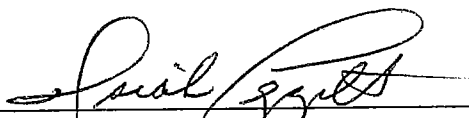


4-3-18

Hans D. Riemer, President, County Council

Date

Approved:

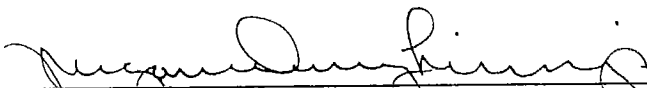


4/5/18

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.



4/9/18

Megan Davey Limarzi, Esq., Clerk of the Council

Date