

Expedited Bill No. 51-15  
Concerning: Non-merit employees -  
Salary Schedule - Established  
Revised: February 4, 2016 Draft No. 5  
Introduced: December 8, 2015  
Enacted: March 1, 2016  
Executive: March 13, 2016  
Effective: March 13, 2016  
Sunset Date: None  
Ch. 4, Laws of Mont. Co. 2016

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Leventhal  
Co-Sponsors: Councilmembers Elrich, Rice and Hucker

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**AN EXPEDITED ACT to:**

- (1) establish a salary schedule for heads of departments, principal offices, and other non-merit employees;
- (2) require certain salaries to be set under the salary schedule established for these positions; and
- (3) generally amend the law governing compensation for non-merit employees.

By amending

Montgomery County Code  
Chapter 1A, Structure of County Government  
Section 1A-104

<b>Boldface</b>	<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 1A-104 is amended as follows:**

2   **1A-104. Heads of departments and principal offices; other positions designated**  
3 **as non-merit.**

4           (a) *Names.* The head of a department or principal office is called the Director  
5 of the department or principal office, except that:

- 6           (1) the Director of Police is also called the Chief of Police;  
7           (2) the Director of the Montgomery County Fire and Rescue Service  
8 is also called the Fire Chief; and  
9           (3) the Director of the Office of the County Attorney is called the  
10 County Attorney.

11          (b) *Qualifications.*

- 12          (1) Each head of a department or principal office should be  
13 professionally qualified.  
14          (2) A person holding any other position in the Executive Branch  
15 designated by law as a non-merit position must be professionally  
16 qualified for the position under a position description established  
17 by regulation under method (1).

18          (c) *Status.* Heads of departments and principal offices, and holders of any  
19 other position in the Executive Branch designated by law as a non-merit  
20 position, are County employees but are not merit system employees.

21          (d) *Special reinstatement rule.* A person who was a merit system employee  
22 of the Police Department when appointed as an Assistant Chief of Police  
23 may return to the merit system in the Department at the same rank that  
24 the person last held in the merit system. The person must elect to return  
25 to the merit system within 10 days after leaving the Assistant Chief  
26 position, by notifying the Chief Administrative Officer in writing. If the  
27 previous rank was abolished, the person must be assigned to the closest

28 equivalent rank, and must receive the salary and benefits that would apply  
29 if the person had remained in the merit system at the previous rank and  
30 the rank still existed.

31 (e) Salaries. The Executive must design a compensation system to attract  
32 and retain highly competent senior leaders as heads of departments and  
33 principal offices, and other non-merit employees in the Executive  
34 Branch. Each of these employees must be paid a salary within a salary  
35 schedule proposed by the Executive and approved by the Council in the  
36 Operating Budget of the Montgomery County Government. The salary  
37 schedule may contain a provision permitting the Executive to exceed the  
38 salary schedule established for a position for an individual employee,  
39 subject to Council approval, if the Executive finds that it is necessary to  
40 attract or retain a senior leader for a specific position. The Council must  
41 establish a salary schedule for non-merit positions in the Legislative  
42 Branch as part of the Operating Budget of the Montgomery County  
43 Government.

44 **Sec. 2. Effective Date.**

45 The Council declares that this legislation is necessary for the immediate  
46 protection of the public interest. This Act takes effect on the date on which it becomes  
47 law. This Act must apply to any employee who is hired or promoted to head of a  
48 department or principal office or other non-merit position after the date the Council  
49 approves the first salary schedule required in Section 1 [[when this Act becomes law]].  
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52 *Approved:*

53 *Nancy Floreen* *March 2, 2016*  
Nancy Floreen, President, County Council Date

54 *Approved:*

55 *Isiah Leggett* *March 13, 2016*  
Isiah Leggett, County Executive Date

56 *This is a correct copy of Council action.*

57 *Linda M. Lauer* *March 14, 2016*  
Linda M. Lauer, Clerk of the Council Date