

MEMORANDUM

October 18, 2021

TO: Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E – Amendments

PURPOSE: Worksession –Committee recommendation expected

Expected attendees:

Jennifer Harling, Director of the Office of Labor Relations
Linda Herman, Executive Director of the Retirement Plans
Corey Orlosky, OMB
Gino Renne, President, MCGEO
Lisa Blackwell, Secretary-Treasurer, MCGEO

Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E – Amendments, sponsored by Lead Sponsor Council President at the Request of the Executive, was introduced on July 27, 2021.¹ A public hearing on the bill was held on September 14, 2021.

Bill 33-21 would move resident supervisors working in DOCR from Group J of the Retirement Plan to Group E. This would make them eligible for the Deferred Retirement Option Plan (DROP) currently available for sworn deputy sheriffs and uniformed correctional officers. The Bill would also clarify the application of credited service for employees who move from the GRIP to Group E.

Background

The Executive requested this Bill to implement an Agreement with MCGEO that was rejected by the Council in May 2020 when the Council approved a same services operating budget during the early stages of the COVID-19 pandemic. DOCR resident supervisors are currently in Group J of the Employees’ Retirement Plan. Group J is a defined benefit retirement plan that is

¹ #Retirement; #DROP

identical to the Group E defined benefit plan for sworn deputy sheriffs and uniformed correctional officers except for eligibility to enter the DROP. This Bill would move these resident supervisors from Group J to Group E and thereby make them eligible to enter the DROP.

The DROP for sworn deputy sheriffs and uniformed correctional officers was established in Bill 20-15 pursuant to an Agreement with MCGEO. The DROP for Group E is similar to the Plans previously established for Fire and Rescue Employees and Sworn Police Officers. Under the DROP, an eligible employee could choose to enter the DROP at full retirement. Once in the DROP, the employee would continue to work and receive his or her normal salary for up to 3 years. The employee would stop making retirement contributions and stop earning more service time for retirement while in the DROP. The County would pay the employee's retirement pension into a separate DROP account. The employee must choose investment options for these funds similar to the RSP. When the DROP period is over, the employee must leave County service and not return. The employee would receive the DROP account balance plus the pension the employee earned before entering the DROP with enhancements to the pension for cost-of-living adjustments the employee missed while in the DROP. As with the DROP for police and fire, the employee receives this enhanced retirement benefit in return for providing management with advance notice of retirement to aid management in succession planning. An employee in the DROP may leave County service prior to the completion of the 3-year DROP period.

The OMB fiscal impact report is based on an actuarial analysis of the additional cost to the County for permitting resident supervisors to enter the DROP under Group E (©8). The County's actuary estimated that the County's annual employer contribution for these 20 resident supervisors would increase \$23,531 and the County's accrued liability would increase \$167,760.

OLO estimated that Bill 33-21 would have a minimal impact on racial equity and social justice in the County (©10). OLO also estimated that the Bill would have an insignificant impact on the County's economy (©12).

Public Hearing

Both Director of the Office of Labor Relations, Jennifer Harling, representing the Executive (©21) and Mark Myrick, a DOCR resident supervisor and shop steward representing UFCW Local 1994, MCGEO (©22) supported the Bill. Both Ms. Harling and Mr. Myrick testified that the DOCR resident supervisors perform similar duties as the uniformed correctional officers. Neither speaker explained why the Bill was not sent over on April 1, 2021 along with the MCGEO collective bargaining agreement.

Issues

1. Should the Council act on this Bill now even though it was not submitted by the Executive on April 1 as required by County law?

County Code § 33-108(g) provides:

- (g) In each proposed annual operating budget, the County Executive must describe any collective bargaining agreement or amendment to an agreement that is scheduled to take effect in the next fiscal year and estimate the cost of implementing that

agreement. **The employer must submit to the Council by April 1, unless extenuating circumstances require a later date, any term or condition of the collective bargaining agreement that requires an appropriation of funds, or the enactment or adoption of any County law or regulation, or which has or may have a present or future fiscal impact.** If a later submission is necessary, the employer must specify the submission date and the reasons for delay to the Council President by April 1. The employer must expressly identify to the Council and the certified representative any term or condition that requires Council review. Each submission to the Council must include:

- (1) all proposed legislation and regulations necessary to implement the collective bargaining agreement;
- (2) all changes from the previous collective bargaining agreement, indicated by brackets and underlines or a similar notation system; and
- (3) all side letters or other extraneous documents that are binding on the parties.

The employer must make a good faith effort to have the Council approve all terms of the final agreement that require Council review. (emphasis added)

The Executive submitted this proposed legislation to the Council on June 16, 2021 (©14) with no explanation as to why it was not submitted with the rest of the MCGEO Agreement for FY2022 on April 1, 2021. The April 1 deadline was added to the collective bargaining law to provide the Council the opportunity to review all of the labor agreements for the next fiscal year at one time and to make a global decision as to affordability of all increases in wages and benefits for all employees when adopting the operating budget for the next fiscal year. In this case, the Executive sent the legislation to the Council after the Council had adopted the FY2022 operating budget. It also was not mentioned in the changes to the MCGEO Agreement sent to the Council on April 1.

Council staff has not received any explanation for the late submission. The Council may act on this Bill at this time or may defer consideration until the Executive submits the MCGEO Agreement for FY2023.

2. What is the rationale for adding resident supervisors to the DROP?

Both Ms. Harling and Mr. Myrick testified that a resident supervisor performs similar duties performed by a uniformed correctional officer. The resident supervisor works with inmates who have been released from the detention center to a residential setting, such as a halfway house or monitors inmates who are on home confinement or at outside workplaces. The Class specifications for Resident Supervisors I, II, and III are at ©23. A uniformed correctional officer supervises inmates incarcerated at the detention center. Mr. Myrick testified that resident supervisors receive the same training as uniformed correctional officers.

The purpose of the DROP is to keep valued employees working beyond their normal retirement age and permit management to plan to recruit new employees to replace retirees on a timely basis. This assumes that employees will stay longer due to the DROP and that recruitment of new employees is time consuming and difficult. The Executive has not submitted any information to confirm or deny either of these assumptions. Since an employee is not eligible for the DROP until they reach normal retirement, an employee in the DROP must be working beyond their normal retirement date. However, it is not clear that each or most employees in the DROP

would have retired at their normal retirement date absent eligibility for the DROP or how long they would work beyond their normal retirement date. Under the DROP, and employee must leave County employment after 3 years in the DROP but may leave before the 3-year maximum period. The fiscal impact statement, based on the actuarial report, shows that the DROP would increase the County's accrued pension liability for these 20 employees by \$167,760 or \$8,388 per employee.

This packet contains:	<u>Circle #</u>
Expedited Bill 33-21	1
Legislative Request Report	6
County Attorney Bill Review Memorandum	7
Fiscal Impact Statement	8
RESJ Impact Statement	10
Economic Impact Statement	12
Executive Transmission Memorandum	14
Actuarial Report	15
Testimony	
Jennifer Harling	21
Mark Myrick	22
Class Specifications for Resident Supervisors I, II, & III	23

Expedited Bill No. 33-21
Concerning: Personnel – Employee’s
Retirement System – Group E -
Amendments
Revised: July 21, 2021 Draft No. 1
Introduced: July 27, 2021
Expires: January 27, 2023
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the Executive

AN EXPEDITED ACT to:

- (1) move resident supervisors in the Department of Correction and Rehabilitation from Group J to Group E;
- (2) permit resident supervisors to participate in the Deferred Retirement Option Plan for sworn deputy sheriffs and uniformed correctional officers;
- (3) clarify the application of credited service for employees who move from the GRIP to Group E; and
- (4) generally amend the retirement laws.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37; 33-38A; 33-41; and 33-45

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. Sections 33-37, 33-38A, 33-41, 33-45 are amended as follows:**

2 **33-37. Membership requirements and membership groups.**

3 * * *

4 (f) *Membership groups and eligibility.* Any full-time or part-time
5 employee is eligible for membership in the appropriate membership
6 group if the employee meets all of the requirements for the group:

7 * * *

8 (4) Group E: The Chief Administrative Officer, the Executive
9 Director of the Office of the County Council, the hearing
10 examiners, the County Attorney and each head of a principal
11 department or office of the County government, if appointed to
12 that position before July 30, 1978, or a member having held that
13 position on or before October 1, 1972. Any sworn deputy sheriff
14 or uniformed County correctional officer in the position of
15 Correctional Officer I, Correctional Officer II, Correctional
16 Officer III, Correctional Dietary Officer I, Correctional Dietary
17 Officer II, Resident Supervisor I, Resident Supervisor II,
18 Resident Supervisor III, Correctional Supervisor-Sergeant,
19 Correctional Dietary Supervisor, Correctional Shift
20 Commander-Lieutenant, Correctional Unit Commander-
21 Captain, Deputy Warden, or Warden. Any group E member who
22 has reached elective early retirement date may retain
23 membership in group E if the member transfers from the position
24 which qualified the member for group E. Any group E member
25 who is temporarily transferred from the position which qualified
26 the member for group E may retain membership in group E as
27 long as the temporary transfer from the group E position does not

28 exceed 3 years. Notwithstanding the foregoing provisions in
29 group E, any employee who is eligible for membership in group
30 E must participate in the guaranteed retirement income plan or
31 the retirement savings plan under Article VIII if the employee:

32 (A) (i) begins, or returns to, County service on or after
33 October 1, 1994 (except as provided in the last
34 sentence of subsection (e)(2));

35 (ii) is not represented by an employee organization; and

36 (iii) does not occupy a bargaining unit position; or

37 (B) (i) begins County service on or after October 1, 1994;
38 and

39 (ii) is subject to the terms of a collective bargaining
40 agreement between the County and an employee
41 organization which requires the employee to
42 participate in the guaranteed retirement income plan
43 or the retirement savings plan.

44 * * *

45 **Sec. 33-38A. Deferred Retirement Option Plans.**

46 * * *

47 (c) *DROP Plan for Sworn Deputy Sheriffs and Uniformed Correctional*
48 *Officers.*

49 (1) *Uniformed correctional officer* means Correctional
50 Officer I, Correctional Officer II, Correctional Officer III,
51 Correctional Dietary Officer I, Correctional Dietary
52 Officer II, Resident Supervisor I, Resident Supervisor II,
53 Resident Supervisor III, Correctional Supervisor-
54 Sergeant, Correctional Dietary Supervisor, Correctional

55 Shift Commander-Lieutenant, Correctional Unit
 56 Commander-Captain, Deputy Warden, and Warden. The
 57 Director of the Department of Corrections must not begin
 58 participation in the DROP after appointment as Director.

59 * * *

60 **33-41. Credited Service**

61 (a) *Member's credited service.*

62 (1) A member's credited service is the total service rendered under
 63 the employees' retirement system of Montgomery County, plus
 64 any credited service earned under the employees' retirement
 65 system of the State of Maryland and/or the Montgomery County
 66 police relief and retirement fund law plus any other credited
 67 service purchased or granted pursuant to this section.

68 (2) However, credited service earned while an individual is a
 69 participant in the elected officials' plan must be used only for the
 70 purposes described in Section 33-37(e) and Section 33-55A.
 71 Credited service earned while an individual is a participant in the
 72 retirement savings plan under Article VIII must be used only as
 73 provided in Section 33-37(i). Credited service earned while an
 74 individual is a participant in the GRIP must only be used for
 75 GRIP and must not be used as credited service while an
 76 individual is a member of the integrated plan. Notwithstanding
 77 the preceding sentence, for purposes of determining vested
 78 benefits in the integrated plan, a member must receive one year
 79 of credited service for each year of County service and one
 80 month of credited service for each month of County service
 81 during which the member contributed to a County retirement

82 plan. Each year of County service ends on the anniversary of the
83 member's date of retirement plan participation.

84 * * *

85 **33-45. Vested benefits and withdrawal of contributions.**

86 (a) *Eligibility for vesting for optional and integrated plans.* A member
87 must complete 5 years of membership before the member is qualified
88 to vest, except that a member who has transferred service credit from a
89 public retirement system in Maryland may use that service credit to
90 qualify for vesting. A vested member must leave all member
91 contributions, plus credited interest, in the fund to be eligible to receive
92 retirement benefits. Notwithstanding the preceding, a member may use
93 credited service under any County retirement plan as credited service
94 for vesting purposes.

95 * * *

96 **Sec. 2. Effective Date.**

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

LEGISLATIVE REQUEST REPORT

Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E - Amendments

DESCRIPTION:	The Bill would move resident supervisors working in DOCR from Group J of the Retirement Plan to Group E. This would make them eligible for the DROP currently available for sworn deputy sheriffs and uniformed corrections officers. The Bill would also clarify the application of credited service for employees who mover from the GRIP to Group E.
PROBLEM:	The Bill would implement an Agreement with MCGEO.
GOALS AND OBJECTIVES:	The goal is to implement the Agreement with MCGEO and provide parity of benefits with DOCR employees providing similar services.
COORDINATION:	Office of Labor Relations, Retirement Plans
FISCAL IMPACT:	OMB.
ECONOMIC IMPACT:	To be requested.
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Steven Blivess, OLR, Linda Herman, Retirement Plans
APPLICATION WITHIN MUNICIPALITIES:	NA.
PENALTIES:	NA.




OFFICE OF THE COUNTY ATTORNEY


Marc Elrich
County Executive

Marc P. Hansen
County Attorney

MEMORANDUM

TO: Jennifer Harling
Chief Labor Relations Officer

VIA: Edward B. Lattner, Chief 
Division of Government Operations

FROM: Edward Haenftling 
Associate County Attorney

DATE: August 10, 2021

RE: Bill 33-21, Personnel - Employee's Retirement System - Group E - Amendments

Pursuant to the February 7, 2020, MOU with MCGEO, the County Executive is required to submit proposed Bill 33-21 to the Council for approval. The Bill would move resident supervisors working in DOCR from Group J of the Retirement Plan to Group E, making them eligible for the Deferred Retirement Option Plan currently available for sworn deputy sheriffs and uniformed correctional officers. The Council previously rejected this proposed legislation for FY21. But the County Executive is resubmitting it for FY 22 because the duration of the MOU is three years beginning July 1, 2020. There are no legal issues associated with this legislation.

ebl

cc: Ken Hartman, Director of Strategic Partnerships
Dale Tibbitts, Special Assistant to the CE
Marc Hansen, County Attorney
Robert H. Drummer, Sr. Legislative Attorney
Tammy Seymour, OCA

21-004322

Fiscal Impact Statement
Expedited Bill 33-21 Personnel – Employees’ Retirement System – Group E - Amendments

1. Legislative Summary.

Expedited Bill 33-21 adds Resident Supervisors to the list of positions eligible for participation in Group E of the Employees’ Retirement System (ERS) and allows those positions to participate in the DROP program for sworn deputy sheriffs and uniformed correctional officers.

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 allow employees in the position of Resident Supervisors to move from their current participation in Group J to Group E in the ERS and permit their participation in the DROP program. The ERS retirement contribution rates are set annual by the System’s actuary based on an annual valuation as of June 30th each year. As the retirement contribution rates are set for FY22, it is anticipated that there will be a minimal impact on employer contributions. The change from Group J to Group E will impact the employer contributions for approximately 20 individuals and will also allow them to be eligible for DROP. The net impact of this change, as estimated by the actuarial analysis performed by GRS, the retirement plan’s actuary, is approximately \$23,531 in additional County Contribution requirement. This net impact assumes the increased liability in Group E from additional members, who are also assumed to be eligible for DROP participation, and decreased liability in Group J from a reduced number of members who have shifted to Group E.

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

The current (FY21) County contribution rate for participants in Group E is 10.93%, while the Group J rate is 11.92%, and the rates for FY22 are 10.8% for Group E and 12.37% for Group J. These rates change annually, based on an actuarial analysis of the ERS. As the population in each Group adjusts slightly as a result of this legislation, it is anticipated that the rates of each Group will change, but the overall impact on County contributions between the two Groups will be minimal. There is no current estimate for these rates beyond the current estimates for FY22.

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

Actuarial analysis was performed to estimate the impact of the Resident supervisors shifting from Group J to Group E, which also includes eligibility for those members to participate in the DROP program. GRS estimated the overall change in accrued liability was \$167,760, which includes the increased County’s contribution requirement of \$23,531.

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

This bill does not authorize future spending.

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

It is estimated that minimal staff time will be needed to update the affected employee records to participate in the appropriate retirement plan.

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

It is not anticipated that implementation will affect other duties.

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

No additional appropriation is necessary.

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

Not applicable.

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

Future actuarial valuations all have a degree of uncertainty, but it is not anticipated that this legislation would have a meaningful impact on those valuations.

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

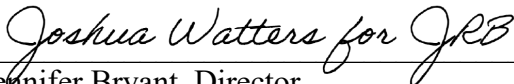
This legislation does not add new participants overall to Group E or Group J, but adjusts eligibility and participation between the two Groups.

12. Other fiscal impacts or comments.

Not applicable.

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

Corey Orlosky, Office of Management and Budget
Linda Herman, Executive Director, Montgomery County Employee Retirement Plans



Jennifer Bryant, Director
Office of Management and Budget

9/3/21

Date

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED PERSONNEL-EMPLOYEE'S RETIREMENT SYSTEM- BILL 33-21: GROUP E- AMENDMENTS

SUMMARY

OLO anticipates that Expedited Bill 33-21 will have a minimal impact on current racial inequities and social injustices (RESJ) in Montgomery County.

PURPOSE OF RESJ IMPACT STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF EXPEDITED BILL 33-21

The goal of the Bill is to reclassify and change the benefits for resident supervisors in the Department of Correction and Rehabilitation. Expedited Bill 33-21 was introduced on July 27, 2021. If enacted, the Bill would:

- Move resident supervisors in the Department of Correction and Rehabilitation from Group J of the Retirement Plan to Group E;
- Permit resident supervisors to participate in the Deferred Retirement Option Plan for sworn deputy sheriffs and uniformed correctional officers;
- Clarify the application of credited service for employees who move from the GRIP to Group E; and
- Generally amend the retirement laws.³

ANTICIPATED RESJ IMPACTS

Since the scope of Expedited Bill 33-21's influence is estimated to impact a limited number of County employees, OLO anticipates that the bill would have a minimal impact on racial equity and social justice in the County. No changes in racial equity or social justice for County residents are anticipated under Expedited Bill 33-21.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than

RESJ Impact Statement

Expedited Bill 33-21

determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Dr. Theo Holt, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement.

¹ Adopted from definition of racial equity described in the Racial Equity Policy Scorecard included in “Applying a Racial Equity Lens into Federal Nutrition Programs,” authored by Marlysa Gamblin; see the Government Alliance for Race and Equity’s “Advancing Racial Equity and Transforming Government” resource guide for understanding the historical role of government in maintaining racial inequities https://racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf

² Adopted from racial equity definition provided by Racial Equity Tools. <https://www.racialequitytools.org/glossary>

³ Montgomery County Council Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E - Amendments, Introduced July 27, 2021, Montgomery County, Maryland

Economic Impact Statement

Office of Legislative Oversight

Expedited Bill 33-21

Personnel – Employee’s Retirement System – Group E – Amendments

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 33-21 would have an insignificant impact on economic conditions in the County due to its minimal impact on County operating expenses.

BACKGROUND

If enacted, Expedited Bill 33-21 would make the following changes to the County’s Employee Retirement System:

- “(1) move resident supervisors in the Department of Correction and Rehabilitation from Group J to Group E;
- (2) permit resident supervisors to participate in the Deferred Retirement Option Plan forsworn deputy sheriffs and uniformed correctional officers; [and]
- (3) clarify the application of credited service for employees who move from the GRIP to Group E.”¹

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Changes to County employee compensation can affect government spending. An increase in personnel costs may present an opportunity cost in terms of forgone revenues that the County could use to provide services to residents. Such an opportunity cost may affect residents and private organizations based in the County in terms of the Council’s priority economic indicators.² However, the Fiscal Impact Statement for Expedited Bill 33-21 concludes that the changes to the County’s Employee Retirement System would have a minimal impact on County contributions. For this reason, OLO believes that enacting the Bill would have an insignificant impact on economic conditions in the County. The claims made in subsequent sections are based on this conclusion.

VARIABLES

Not applicable

¹ Montgomery County Council, Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E – Amendments. Introduced on July 27, 2021.

² Montgomery County Code, Sec. 2-81B, Economic Impact Statements, https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-80894.

Economic Impact Statement

Office of Legislative Oversight

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO anticipates that enacting Expedited Bill 33-21 would have insignificant impacts on private organizations in the County in terms of the Council's priority indicators.

Residents

Enacting Expedited Bill 33-21 likely would impact very few residents. According to the Fiscal Impact Statement, the "change from Group J to Group E will impact the employer contributions for approximately 20 individuals and will also allow them to be eligible for DROP." It is possible that some of these individuals may reside in the County. Given the small number of potential residents impacted by the changes to the Employee Retirement System, OLO anticipates that enacting Expedited Bill 33-21 would have insignificant impacts on residents in terms of the Council's priority indicators.

DISCUSSION ITEMS

Not applicable

WORKS CITED

Montgomery County Code. Sec. 2-81B. Economic Impact Statements.

Montgomery County Council. Expedited Bill 33-21, Personnel – Employee's Retirement System – Group E – Amendments. Introduced on July 27, 2021.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

June 16, 2021

TO: Tom Hucker, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Expedited Bill No. XX-21
Personnel – Employees' Retirement System – Amendments

I attach for the Council's review proposed legislation to implement a change to the Employee's Retirement System, which was negotiated in the Agreement with the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees Organization, AFL-CIO (MCGEO) for the years July 1, 2020 through June 30, 2023. The legislation will add certain Department of Correction and Rehabilitation employee classifications to Montgomery County Retirement System Group E and will update corresponding provisions of the County Code relating to the Deferred Retirement Option Plan (DROP) and the application of credited service.

The fiscal impact statement and legislative request report for this proposed legislation are attached.

ME:snb

Enclosures

cc: Richard S. Madaleno, Chief Administrative Officer
Jennifer Harling, Esq., Chief Labor Relations Officer
Linda Herman, Director, Montgomery County Employee Retirement System



August 2, 2021

CONFIDENTIAL

Ms. Linda Herman
Executive Director
Montgomery County Employees' Retirement System
101 Monroe Street, 15th Floor
Rockville, Maryland 20850

Subject: Cost Impact of Employee Transfer from Group J to Group E

Dear Ms. Herman:

As requested, we have measured the cost impact to the Montgomery County Employees' Retirement System (ERS) of proposals to transfer a group of active employees from Group J to Group E.

Our analysis of this proposal includes the following data, assumptions and methods:

- A list of the employees subject to the transfer (19 who were in Group J as of July 1, 2020 and 8 employees who were reported in Group E as of July 1, 2020 but who should have been reported in Group J).
- The estimated cost impact is measured as of July 1, 2020, which calculates the fiscal year 2022 County contribution. The actual transfer would be effective July 1, 2021.
- The change in unfunded liability is amortized over a 20-year period as a level percentage of pay.
- Assets are assumed to be transferred from Group J to Group E, such that the funded ratio (based on the market value of assets) of Group J is the same before and after the transfer.

Exhibit I contains a summary of the impact of the transfer and Exhibits II and III contain the detailed calculations of the cost impact on Groups E and J of the transfer. The exhibits first restate the results as of July 1, 2020 based on the 8 Group E employees being correctly classified as Group J employees (Updated Baseline) and then present the results based on the proposed transfer (Impact).

Summary of Results

The transfer of employees from Group J to Group E is expected to slightly increase the overall actuarial accrued liability and County contribution requirement. Although the benefits and assumptions for Group E and J are for the most part the same, members of Group E are eligible for DROP whereas members of Group J are not. The expected additional cost of the Group E DROP results in the slight overall increase in cost.

Following is a summary of the assets that would be transferred from Group J to Group E in addition to the transfer of liabilities between the plans.

	Group J		
	Baseline	Updated Baseline	Impact
Number of Active Members	136	144	117
Total Actuarial Accrued Liability	\$ 56,719,226	\$ 57,195,076	\$ 51,969,202
Actuarial Value of Assets	\$ 57,554,616	\$ 58,037,475	\$ 52,734,631
Funded Ratio (Actuarial Value of Assets)	101.5%	101.5%	101.5%
Market Value of Assets	\$ 56,778,826	\$ 57,255,176	\$ 52,023,811
Funded Ratio (Market Value of Assets)	100.1%	100.1%	100.1%
Change in Actuarial Accrued Liability	\$ -	\$ 475,850	\$ (4,750,024)
Market Value of Assets to Transfer From (To) Group E	\$ -	\$ 476,350	\$ (4,755,015)

Considerations and Disclosures

The analysis was performed at the request of Montgomery County ("County") and is intended for use by the County and those designated by the County. This analysis may be provided to parties other than the County only in its entirety and only with the permission of the County.

The actuarial assumptions used in this analysis are the same as those used in the actuarial valuation of the Montgomery County Employees' Retirement System as of July 1, 2020.

If any of the provisions, underlying data or assumptions used in this analysis appear to be incorrect or unreasonable, please let us know as soon as possible so we can update the analysis.

Future actuarial measurements may differ significantly from the current measurements presented in this cost analysis due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; and changes in plan provisions, contribution amounts or applicable law.

To the best of our knowledge, the information contained in this analysis is accurate and fairly presents the actuarial position of the Montgomery County Employees' Retirement System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

This report was prepared using our proprietary valuation model and related software which in our professional judgment has the capability to provide results that are consistent with the purposes of the valuation and has no material limitations or known weaknesses. We performed tests to ensure that the model reasonably represents that which is intended to be modeled.



Ms. Linda Herman
Montgomery County Employees' Retirement System
August 2, 2021
Page 3

Lance J. Weiss and Amy Williams are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

This report should not be relied on for any purpose other than the purpose stated.

The signing actuaries are independent of the plan sponsor.

Please let us know if you have any questions or would like to discuss the results of this analysis further.

Respectfully submitted,

Gabriel, Roeder, Smith & Company



Lance J. Weiss, E.A., M.A.A.A., F.C.A.
Senior Consultant and Team Leader



Amy Williams, A.S.A., M.A.A.A., F.C.A.
Senior Consultant



Cost Impact Summary of Proposed Transfers for Groups E and J
Based on the Actuarial Valuation as of July 1, 2020

	Impact - Updated		Impact - Group		Difference from Updated Baseline
	Baseline	Difference	Transfer	Baseline	
Group E					
Active Actuarial Accrued Liability	\$ 111,542,555	\$ (492,685)	\$ 116,443,504	\$ 5,393,634	
Normal Cost Rate (%)	20.10%	0.00%	20.08%	-0.02%	
Amortization of Unfunded Liability Rate (%)	-2.55%	-0.04%	-2.44%	0.15%	
County Contribution Requirement \$	3,614,673	(59,637)	3,804,639	249,603	
County Contribution Requirement %	10.80%	-0.04%	10.89%	0.13%	
Funded Ratio (Actuarial Value of Assets)	103.2%	0.0%	103.1%	-0.1%	
Group J					
Active Actuarial Accrued Liability	\$ 42,177,342	\$ 475,850	\$ 37,427,318	\$ (5,225,874)	
Normal Cost Rate (%)	19.70%	-0.03%	19.79%	0.12%	
Amortization of Unfunded Liability Rate (%)	-0.56%	0.02%	-0.58%	-0.04%	
County Contribution Requirement \$	1,398,084	56,209	1,228,221	(226,072)	
County Contribution Requirement %	12.37%	-0.01%	12.43%	0.07%	
Funded Ratio (Actuarial Value of Assets)	101.5%	0.0%	101.5%	0.0%	
Total ERS					
Active Actuarial Accrued Liability	\$ 1,424,564,557	\$ (16,835)	\$ 1,424,715,482	\$ 167,760	
Normal Cost Rate (%)	17.70%	0.00%	17.70%	0.00%	
Amortization of Unfunded Liability Rate (%)	1.31%	0.00%	1.31%	0.00%	
County Contribution Requirement \$	63,520,020	(3,428)	63,540,123	23,531	
County Contribution Requirement %	13.19%	0.00%	13.19%	0.00%	
Funded Ratio (Actuarial Value of Assets)	99.2%	0.0%	99.2%	0.0%	



**Cost Impact Details of Proposed Transfers for Group E
Based on the Actuarial Valuation as of July 1, 2020**

	Group E		
	Baseline	Updated Baseline	Impact
Active Members			
Number	472	464	491
Average Age	41.6	41.8	41.8
Average Service	10.8	10.9	10.8
Total Base Payroll	\$ 35,359,622	\$ 34,882,892	\$ 36,827,893
Contribution Basis Payroll:			
For Normal Cost	\$ 33,855,269	\$ 33,394,675	\$ 35,278,669
For Amortization of Unfunded Liability	35,359,622	34,882,892	36,827,893
DRSP/DROP Members			
Number	39	39	39
Total Base Payroll	\$ 4,106,934	\$ 4,106,934	\$ 4,106,934
Total Benefits	2,130,864	2,130,864	2,130,864
Terminated Vested Members			
Number	29	29	29
Total Benefits (non-GRIP)	\$ 442,288	\$ 442,288	\$ 442,288
Actuarial Accrued Liability			
Active Members	\$ 111,542,555	\$ 111,049,870	\$ 116,443,504
DRSP/DROP Members	31,439,164	31,439,164	31,439,164
Terminated Vested Members	3,721,504	3,721,504	3,721,504
Retired Members and Beneficiaries	262,193,258	262,193,258	262,193,258
Total	408,896,481	408,403,796	413,797,430
Actuarial Value of Assets	\$ 421,803,185	\$ 421,320,326	\$ 426,623,170
Unfunded Actuarial Accrued Liability	\$ (12,906,704)	\$ (12,916,530)	\$ (12,825,740)
Funded Ratio (Actuarial Value of Assets)	103.2%	103.2%	103.1%
Annual Gross Normal Cost			
Benefits	\$ 6,557,396	\$ 6,467,385	\$ 6,837,546
Expenses of Administration	246,487	246,487	246,487
Total	6,803,883	6,713,872	7,084,033
Amortization of Unfunded Liability ¹	\$ (903,391)	\$ (904,107)	\$ (897,495)
Annual Contribution Requirement:			
County Portion	\$ 3,614,673	\$ 3,555,036	\$ 3,804,639
Employee Portion	2,285,819	2,254,729	2,381,899
Total	5,900,492	5,809,765	6,186,538

¹ Amortization bases established prior to the July 1, 2015 actuarial valuation were recombined into a single amortization base equal to the total unfunded liability as of July 1, 2015. Beginning July 1, 2015, amortization of the current and future unfunded liability will occur over separate closed 20-year amortization periods for the Public Safety groups, Group J and GRIP.



**Cost Impact Details of Proposed Transfers for Group J
Based on the Actuarial Valuation as of July 1, 2020**

	Group J		
	Baseline	Updated Baseline	Impact
Active Members			
Number	136	144	117
Average Age	47.2	46.5	47.5
Average Service	13.1	12.6	13.3
Total Base Payroll	\$ 12,019,670	\$ 12,496,399	\$ 10,551,399
Contribution Basis Payroll:			
For Normal Cost	\$ 11,334,524	\$ 11,795,134	\$ 9,911,253
For Amortization of Unfunded Liability	12,019,670	12,496,399	10,551,399
Terminated Vested Members			
Number	1	1	1
Total Benefits (non-GRIP)	\$ 4,929	\$ 4,929	\$ 4,929
Actuarial Accrued Liability			
Active Members	\$ 42,177,342	\$ 42,653,192	\$ 37,427,318
Terminated Vested Members	2,767	2,767	2,767
Retired Members and Beneficiaries	14,539,117	14,539,117	14,539,117
Total	56,719,226	57,195,076	51,969,202
Actuarial Value of Assets	\$ 57,554,616	\$ 58,037,475	\$ 52,734,631
Unfunded Actuarial Accrued Liability	\$ (835,390)	\$ (842,399)	\$ (765,429)
Funded Ratio (Actuarial Value of Assets)	101.5%	101.5%	101.5%
Annual Gross Normal Cost			
Benefits	\$ 2,139,538	\$ 2,227,349	\$ 1,868,510
Expenses of Administration	93,203	93,203	93,203
Total	2,232,741	2,320,552	1,961,713
Amortization of Unfunded Liability ¹	\$ (66,755)	\$ (67,266)	\$ (61,661)
Annual Contribution Requirement:			
County Portion	\$ 1,398,084	\$ 1,454,293	\$ 1,228,221
Employee Portion	767,902	798,993	671,831
Total	2,165,986	2,253,286	1,900,052

¹ Amortization bases established prior to the July 1, 2015 actuarial valuation were recombined into a single amortization base equal to the total unfunded liability as of July 1, 2015. Beginning July 1, 2015, amortization of the current and future unfunded liability will occur over separate closed 20-year amortization periods for the Public Safety groups, Group J and GRIP.



Montgomery County Council

Testimony on behalf of County Executive Marc Elrich on Expedited Bill 33-21, Personnel -
Employee's Retirement System - Group E – Amendments

September 14, 2021

1:30 p.m.

Good afternoon Council President Hucker and Councilmembers, my name is Jennifer Harling, Director of the Office of Labor Relations. I am here on behalf of the County Executive in support of Expedited Bill 33-21, Personnel - Employee's Retirement System - Group E – Amendments.

The County Executive is committed to treating employees equitably for the work they perform and was pleased to offer Expedited Bill 33-21 for introduction. Bill 33-21E affords the same retirement benefit to resident supervisors and other employee classes performing similar work, such as Correctional Specialists.

In broad terms, the Resident Supervisor (RS) and Correctional Specialist (CS) classes of positions have similar, though not identical, responsibilities for and interactions with the offender-resident populations and correctional facility personnel. Resident Supervisors and Correctional Specialists work with individuals remanded to the Department of Corrections and Rehabilitation (DOCR). Resident Supervisors work within a residential housing unit (like a halfway house), and Correctional Officers working within a confined housing unit (incarcerated individuals serving time locally, being transferred to State facility to serve time, or waiting for a case to go to court). Both positions monitor and counsel offenders-residents on such matters as substance abuse treatment and rehabilitation, facility-based rules and protocols, community and family reintegration, and behavioral reform and mental health services. Both positions may require some confrontation with offenders-residents in enforcing facility and programmatic rules and regulations. In sum, while there are specific duties and functions attendant to each class of positions, the "law enforcement" categorization and functions appear to apply to both classes in more-or-less equal measure.

Accordingly, as outlined in the agreement between the County and MCGEO, the responsibilities of Resident Supervisors are sufficiently similar to other Uniformed Correctional Officers as defined by County Code Section 33-38A(c)(1) to justify the inclusion of Resident Supervisors in Retirement Group E and the Deferred Retirement Option Plan (DROP). Ten employees in the resident supervisor position would be eligible for DROP in the next three years, with five eligible currently.

Thank you.

Testimony Of Mark Myrick, Resident Supervisor at DOCR on

Expedited Bill 33-21 Personnel - Employee's Retirement System - Group E – Amendments

Good morning, my name is Mark Myrick and I've been a resident supervisor in the Montgomery County Department of Corrections and Rehabilitation for the past 19 years and I have been with the DOCR for a total of 21 years. I am also a shop steward with our union, UFCW Local 1994 MCGEO.

I am testifying here today on behalf of myself and my fellow officers at DOCR who've been excluded from the County Employee Retirement System's Deferred Retirement Option Plan (DROP) program.

The DROP program was instituted to help retain experienced staff and ensure continuity of operations. For years, other sworn officers in the County have been able to participate in the DROP program. Just a few short years ago, the County moved some of the officers at DOCR into the program but excluded DOCR's resident supervisors.

Our exclusion is unfair and a fix to this oversight is long overdue.

Bill 33-21, Personnel - Employee's Retirement System - would bring parity with other DOCR officers in retirement options. There is no justifiable reason to omit resident supervisors from this program. We must participate in the same training as other DOCR officers. We go to the same training academy, have the same continuing education requirements, have the same physical fitness requirements, and work with the same population.

In fact, our jobs require more public interaction than other DOCR officers, as we are required to monitor persons on home confinement and to visit outside workplaces to check on inmates. We also cover electronic monitoring and while still doing much of the same work as other DOCR officers in house.

Bill 33-21 would correct the unjust exclusion of resident supervisors and, to the county's benefit, is actually cost neutral.

I urge you to pass Bill 33-21. Thank you.

**MONTGOMERY COUNTY GOVERNMENT
ROCKVILLE, MARYLAND
CLASS SPECIFICATION**

**Code No. 003251
Grade 18**

RESIDENT SUPERVISOR I

DEFINITION OF CLASS:

This is front line entry/developmental level correctional work controlling, accounting for and providing guidance to a segment of an offender-resident population. Most contacts are with coworkers, offender-residents, their families, employers and others to exchange routine information about rules, policies, procedures and the like. There is also contact with police officers, probation officers, personnel at the Montgomery County Detention Center (MCDC) and Montgomery County Correctional Facility (MCCF), maintenance and service personnel (County employees and contractors) and others. Most contacts center on the exchange of routine information. However, there is also exchange of non-routine information with contacts concerning serious infractions of rules, transports back to a secure facility, escapes and other significant events. Most contacts are cooperative and intended to facilitate successful integration of offender-residents into the community, but some are confrontational. Direct, one-on-one care giving and assistance are provided to the offender-residents as needed throughout the day or as deemed appropriate, and range from provision of such routine services as urine sample collection, Alco Sensor testing and disbursing monies to detailed questions on and provision of individualized assistance, attention or guidance on work-family, health, substance abuse or other problems they are confronting on a daily basis, guidance on anger management or anti-social behavior, and other services/help.

Initial employment requires an employee to undergo on-the-job and formal classroom training. During this period, employees are given duties of a varying nature and increasing difficulty and responsibility. Ultimately, employees in this class are responsible for the accountability and daily control of a large group (unit) of offender-residents, mainly at the Pre-Release Center (PRC), which is a correctional facility without significant physical control measures. Other employees supervise offender-residents who live at their place of residence and are electronically monitored, or provide support services but also interact daily with offender-residents on a variety of matters. Employees in this class receive instructions or guidance from the supervisor or a higher grade employee as they encounter new problems or non-routine situations. They perform their daily work in accordance with guidelines, using judgment, as much of their work is accomplished after hours without supervisory presence. Most problems are resolved in keeping with established procedures and guidelines, which are extensive and need to be mastered by the employee. The complexity of this class is realized by the nature and level of the employees' problem solving and decision-making in the dual role they play as a rules enforcer and a guidance provider working with offender-residents who are not restricted by conventional physical barriers, may be restive, unmotivated or otherwise troubled, and for whom adjustment to community life is difficult to achieve. Employees in this class solve problems and make decisions as learners, relying largely on facts, precedents and training as they further develop their knowledge and skills. The major impact of this class of work is realized by the accountability for and control exercised over offender-residents coupled with the direct daily services and guidance provided. Work is evaluated in-progress and upon completion through reports, results and other measures for timely and appropriate control and

services, for effectiveness in guidance of offender-residents, and for working effectively with other contacts.

Employees in this class are continuously exposed to bodily fluids through urine samples and Alco Sensor testing. There is continuing exposure to aggressive, verbally abusive or potentially hostile people in an uncontrolled environment. Good 'situational awareness' is required to reduce risk to self. This class involves considerable standing, a good amount of walking, sitting, observing, bending, reaching and finger manipulation to provide service at 'the desk', to conduct room inspections, etc. There is some driving required. There is occasional lifting of materials or resident property weighing twenty (20) to fifty (50) pounds.

EXAMPLES OF DUTIES: (Illustrative Only)

- Checks for proper authorization for release of offender-residents to the community (work, school, training, counseling, etc.) and effects the releases.
- Administers Alco Sensor test and collects urine samples for drug screening.
- Conducts personal, room, vehicle, and facility searches and offender-resident counts.
- Assigns and inspects facility clean-up assignments.
- Distributes medication per medical staff instructions.
- Disburses and receives offender-resident monies.
- Verifies offender-resident location in community through telephone checks and on-site visits.
- Determines necessity of making formal charges for major infractions (through a 75B) or handling infractions through such other measures as assigning curfew or providing guidance.
- Conducts (75B) adjustment hearings.
- Drives offender-residents to court, medical appointments, MCDC, and other destinations.
- Provides guidance and 'contract monitoring' for assigned offender-residents covering such areas as work, family, substance abuse, leisure, health, finances as well as anger management and possible depression.
- Provides crisis intervention for offender-residents by defusing potentially threatening and disruptive concerns of both offender-residents and, as necessary, their family members or other persons present.
- Attends and participates with other employees in weekly meetings to learn more about and discuss therapeutic strategies and, as one's programmatic knowledge and guidance skills are developed, provides recommendations on individualized treatment plans for selected offender-residents.
- Supervises 'weekend turn-arounds', helps with intakes.
- Leads morning meetings.
- Scores psychological tests (MMPI, Tennessee Self-Concept, etc).
- Supervises facility evacuation drills and conducts emergency systems testing.
- Interviews offender-resident's family and reviews Pre-Release program with them.
- Secures and inventories property belonging to offender-residents whose program participation has been discontinued.
- Maintains and compiles statistics for monthly reports.
- Takes messages for offender-residents from various people, including attorneys, doctors and employers.
- As necessary, helps offender-residents with their reading and writing in job searches and other circumstances.

- Attends and participates in staff training in such areas as CPR, First Aid, and cognitive behavioral treatment skills.
- Testifies in court.
- Files an application for an arrest warrant with the District Court Commissioner when an offender-resident escapes.
- As assigned, staffs the front desk, attends to daily grounds, facility maintenance, equipment and security issues, MSDS logs, and performs related service-support work.
- Performs related duties as required.

KNOWLEDGE, SKILLS AND ABILITIES:

- Skill in problem solving to select, organize and logically process relevant information (verbal, numerical or abstract) to solve a problem in the assigned program area(s). This includes the ability to recognize problems and identify relevant information.
- Skill in the exercise of mature judgment to control offenders individually and in groups through the authority of the position of Resident Supervisor and one's own people skills. This includes being a 'strong' observer of people and situations.
- Skill in written communication to understand written information (including facts, instructions, descriptions and ideas) in the form of policies and procedures, instructions, incident reports and the like and to express such information in writing in the form of brief reports, notes and the like so that others will understand.
- Skill in communications to understand verbal information (including facts, instructions, descriptions, and ideas) and to verbally express such information so that others will understand and, in some cases, will comply, or be persuaded. This includes good skill as a listener as well as the ability to bridge some language barriers and to encourage effective oral communication by offender-residents, their family members, etc.
- Interpersonal skills to interact successfully in a customer-service oriented, businesslike manner with the full range of personal contacts.
- Skill in multitasking to attend to a number of inputs and provide an array of services (such as Alco Sensor testing, cash disbursement and guidance) to individuals on demand while maintaining 'situational awareness.'
- Ability to acquire knowledge of and ability to interpret and apply core principles and generally-accepted standards and approaches of community-based corrections.
- Ability to acquire knowledge of and ability to interpret and apply specific laws and PRRS Division guidelines covering the population that is overseen.
- Ability to develop skill in providing advice and guidance in areas that offender-residents are confronting on a daily basis, such as work-family, health, substance abuse, anger management and anti-social behavior.
- Ability to develop skill in recognizing critical indicators of personal crisis and in selecting and applying basic crisis intervention techniques.
- Willingness to work with offender-residents in a community-based corrections environment.
- Willingness and ability to report to work for emergencies and to meet operational staffing requirements.

MINIMUM QUALIFICATIONS:

Experience: One (1) year of full-time satisfactory work experience, or successful completion of six months (6) internship training at the Montgomery County Pre-Release Center.

Education: Possession of a Bachelor's Degree from an accredited college or university.

Equivalency: An equivalent combination of education and experience may be substituted.

LICENSE:

- Possession and maintenance at all times of valid Class "C" (or equivalent) driver's license from the applicant's state of residence.

PROBATIONARY PERIOD:

Individuals appointed or promoted to a position in this class will be required to serve a probationary period of twelve (12) months, during which time performance will be carefully evaluated. Continuation in this class will be contingent upon successful completion of the probationary period.

MEDICAL EXAM PROTOCOL: Core I Exam with a Drug/Alcohol Screen.

Class Established: February 1988

Revised: February 1989

October 1989

Classification Study: October 1994 (M)

Classification Study: January 2007 (M)

August 2013

(Probationary Period) January 2020

(Probationary Period – Promotional) February 2020

**MONTGOMERY COUNTY GOVERNMENT
ROCKVILLE, MARYLAND
CLASS SPECIFICATION**

**Code No. 003250
Grade 20**

RESIDENT SUPERVISOR II*

DEFINITION OF CLASS:

This is front line full performance level correctional work controlling, accounting for and providing guidance to a segment of an offender-resident population. Most contacts are with coworkers, offender residents, their families, employers and others to exchange routine information about rules, policies, procedures and the like. There is also contact with police officers, probation officers, personnel at the Montgomery County Detention Center (MCDC) and Montgomery County Correctional Facility (MCCF), maintenance and service personnel (County employees and contractors) and others. Most contacts center on the exchange of routine information. However, there is also exchange of non-routine information concerning serious infractions of rules, transports back to a secure facility, escapes and other significant events. Most contacts are cooperative and intended to facilitate successful integration of offender-residents into the community, but some are confrontational. Direct, one-on-one care giving and assistance are provided to the offender-residents as needed throughout the day or as deemed appropriate, and range from provision of such routine services as urine sample collection, Alco Sensor testing and disbursing monies to detailed questions on and provision of individualized assistance, attention or guidance on work-family, health, substance abuse or other problems they are confronting on a daily basis, guidance on anger management or antisocial behavior, and other services/help.

Employees in this class are responsible for the accountability and daily control of a large group (unit) of offender-residents, mainly at the Pre-Release Center (PRC), which is a correctional facility without significant physical control measures. Other employees supervise offender-residents who live at their place of residence and are electronically monitored, or provide support services but also interact daily with offender-residents on a variety of matters. Employees in this class are under general supervision, independently planning and performing their daily work consistent with guidelines, as much of their work is accomplished after hours without supervisory presence. Most problems are resolved in keeping with established guidelines and procedures, which are extensive and have been mastered by the employee who uses mature judgment to select, adapt and apply them. Employees in this class exercise discretion in drawing upon experience and seasoned judgment to identify, select, and apply an effective approach to behavioral problems and a range of other issues that arise in their daily work with an offender-resident population of diverse cultural, socioeconomic and educational backgrounds, varied personalities and perspectives and other characteristics that affect behavior. The complexity of this class is realized by the nature and level of the employees' problem solving and decision making in the dual role that they play as a rules enforcer and a guidance provider working with offender residents who are not restricted by conventional physical barriers, may be resistive, unmotivated or otherwise troubled, and for whom adjustment to community life is difficult to achieve. Employees in this class solve problems and make decisions based on facts, precedents, full programmatic knowledge, experience and sound judgment. This includes acting on incidents and situations where guidelines must be adapted to the individual(s) involved or specific context or circumstances on a regular basis. The major impact of this class of work is realized by the accountability for and control exercised over offender-residents

coupled with the direct daily services and guidance provided. Work is occasionally evaluated in-progress, but more often upon completion through reports, results and other measures for timely and appropriate control and services, for effectiveness in guidance of offender-residents, and for working effectively with other contacts.

Employees in this class are exposed to bodily fluids through urine samples and Alco Sensor testing. There is exposure to aggressive, verbally abusive or potentially hostile people in an uncontrolled environment. Good 'situational awareness' is required to reduce risk to self. This class involves considerable standing, a good amount of walking, sitting, observing, bending, reaching and finger manipulation to provide service at the desk area, to conduct room inspections, etc. There is some driving required. There is occasional lifting of materials or resident property weighing twenty (20) to fifty (50) pounds.

EXAMPLES OF DUTIES: (Illustrative Only)

- Checks for proper authorization for release of offender-residents to the community (work, school, training, counseling, etc.) and effects the releases.
- Administers Alco Sensor test and collects urine samples for drug screening.
- Conducts personal, room, vehicle, and facility searches and offender-resident counts.
- Assigns and inspects facility clean-up assignments.
- Distributes medication per medical staff instructions.
- Disburses and receives offender-resident monies.
- Verifies offender-residents' locations in the community through electronic monitoring, telephone checks and on-site visits.
- Determines necessity of making formal charges for major infractions (documented on form 75B) or handling infractions through such other measures as assigning curfew or providing guidance.
- Conducts (75B) adjustment hearings.
- Drives offender-residents to court, medical appointments, MCDC, and other destinations.
- Provides guidance and 'contract monitoring' for assigned offender-residents covering such areas as work, family, substance abuse, leisure, health and finances as well as anger management and possible depression.
- Provides crisis intervention for offender-residents by defusing potentially threatening and disruptive concerns of offender-residents and, as necessary, their family members or other persons present.
- Attends and participates with other employees in weekly meetings to discuss therapeutic strategies and help develop individualized treatment plans for selected offender-residents.
- Supervises 'weekend turnarounds', helps with intakes.
- Leads morning meetings.
- Scores psychological tests (MMPI, Tennessee Self-Concept, etc.).
- Supervises facility evacuation drills and conducts emergency systems testing.
- Interviews offender-resident's family and reviews Pre-Release program with them.
- Secures and inventories property belonging to offender-residents whose program participation has been discontinued.
- Maintains and compiles statistics for monthly reports.
- Takes messages for offender-residents from various people, including attorneys, doctors and employers.

- As necessary, helps offender-residents with their reading and writing in job searches and other circumstances.
- Attends and participates in staff training in such areas as CPR, First Aid, cognitive behavioral treatment skills.
- Provides on-the-job training of new staff members and entry/developmental level Resident Supervisors.
- Functions as a Field Training Officer to help train lower level Resident Supervisors. Testifies in court.
- Files an application for an arrest warrant with the District Court Commissioner when an offender-resident escapes.
- As assigned, staffs the front desk, attends to daily grounds, facility maintenance, equipment and security issues, MSDS logs and performs related service-support work.
- Performs related duties as required.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of and skill in interpreting and applying core principles and generally-accepted standards and approaches of community-based corrections. This includes the exercise of independent, seasoned judgment and discretion in adapting guidelines to address incidents and situations, as appropriate.
- Knowledge of and skill in interpreting and applying specific laws and PRRS Division guidelines applying to the population that is overseen.
- Skill in problem solving to select, organize and logically process relevant information (verbal, numerical or abstract) to solve a problem in the assigned program area(s). This includes the ability to recognize problems and identify relevant information.
- Skill in the exercise of mature judgment to control offenders individually and in groups through the authority of the position of Resident Supervisor and one's own people skills. This includes being a 'strong' observer of people and situations.
- Skill in written communication to understand written information (including facts, instructions, descriptions and ideas) in the form of policies and procedures, instructions, incident reports and the like and to express such information in writing in the form of brief reports, notes and the like so that others will understand.
- Skill in verbal communication to understand information (including facts, instructions, descriptions, and ideas) and to verbally express such information so that others will understand and, in some cases, will comply or be persuaded. This includes good skill as a listener as well as the ability to bridge some language barriers and to encourage effective verbal communication by offender residents, their family members, etc.
- Interpersonal skills to interact successfully in a customer-service oriented, businesslike manner with the full range of personal contacts.
- Well-developed skill in providing advice and guidance in areas that offender-residents are confronting on a daily basis, such as work-family, health, substance abuse, anger management and anti-social behavior.
- Skill in recognizing critical indicators of personal crisis and in selecting and applying basic crisis intervention techniques.
- Skill in multitasking to attend to a number of inputs and provide an array of services to individuals on demand while maintaining 'situational awareness.'

- Willingness to work with offender-residents in a community-based corrections environment.
- Willingness and ability to report to work for emergencies and to meet operational staffing requirements.

MINIMUM QUALIFICATIONS:

Experience: Completion of eighteen (18) months of satisfactory work as a Resident Supervisor I.

Education: Possession of a Bachelor's Degree from an accredited college or university.

Equivalency: An equivalent combination of education and experience may be substituted.

Physical Ability: Ability to occasionally lift materials or resident property weighing twenty (20) to fifty (50) pounds.

CITIZENSHIP AND AGE:

Individuals appointed to this position must be at least 21 years of age on the date of appointment and be either a citizen of the United States or a resident alien.

LICENSE:

- Possession and maintenance at all times of a valid Class "C" (or equivalent) driver's license from the applicant's state of residence.

PROBATIONARY PERIOD:

Individuals appointed or promoted to this class will be required to serve a probationary period of twelve (12) months, during which time performance will be carefully evaluated. Continuation in this class will be contingent upon successful completion of the probationary period.

MEDICAL EXAM PROTOCOL: Core I Exam with a Drug/Alcohol Screen.

Class Established: February 1988

Revised: April 1989

Classification Study: October 1994 (M)

Classification Study: January 2007 (M)

Revised: July 2011

Revised: August 2013

Revised (PP): February 2018
(Probationary Period) January 2020

**MONTGOMERY COUNTY GOVERNMENT
ROCKVILLE, MARYLAND
CLASS SPECIFICATION**

**Code No. 003252
Grade 22**

RESIDENT SUPERVISOR III

DEFINITION OF CLASS:

This is front line full performance level correctional work providing leadership, technical supervision and work direction to staff as well as direct responsibilities controlling, accounting for and providing guidance to a segment of an offender-resident population. The work occurs 24/7/365 on each of three shifts, and on most shifts operates independently without onsite higher supervisory and managerial support. During those times, the position serves as the sole lead for custody and facility task assignments, the sole lead for staffing issues including those arising from unscheduled leave and call-ins which may require arranging to fill posts on subsequent shifts with on duty staff or other staff recruited from home, and the sole lead for emergency security and facility issues. Further, the work fully incorporates the role of the Field Training Officer as part of its core responsibilities. Most contacts are with co-workers, offender-residents, their families, employers and others to exchange routine information about rules, policies, procedures and the like. There is also contact with police officers, probation officers, personnel at the Montgomery County Detention center (MCDC) and Montgomery County Correctional Facility (MCCF), maintenance and service personnel (County employees and contractors) and others. Most contacts center on the exchange of routine information. However, there is also exchange of non-routine information concerning serious infractions of rules, transports back to a secure facility, escapes and other significant events. There is also the needed ability to adapt policy, procedures, and practices to new situations that come up in the community-based program, and to lead staff to implement these adaptations. Most contacts are cooperative and intended to facilitate successful integration of offender-residents into the community, but some are confrontational. Direct, one-on-one care giving and assistance are provided to the offender-residents as needed throughout the day or as deemed appropriate, and range from provision of such routine services as urine sample collection, Alco Sensor testing and disbursing of monies to detailed questions on and provision of individualized assistance, attention or guidance on work-family, health, substance abuse or other problems they are confronting on a daily basis, guidance on anger management or anti-social behavior, and other services help.

Employees in this class are responsible for both the overall safe and orderly running of a shift at the Pre-Release Center and the accountability and daily control of a large group (unit) of offender-residents. Living at the Pre-Release Center (PRC), which is a correctional facility without significant physical control measures and those living on Home Confinement. The latter group of individuals is monitored electronically and report to the PRC three times weekly at home. In addition to those living on Home Confinement, approximately 15% of the residents living at the PRC are also monitored electronically using GPS tracking technology. Employees in this class are under general supervision, independently planning and performing their daily work consistent with guidelines, as most of their work is accomplished after hours without supervisory presence. Most problems are resolved in keeping with established guidelines and procedures, which are extensive and have been mastered by the employee who uses mature judgment to select, adapt and apply them. Employees in this class will assume

responsibility for ensuring that the subsequent shift is properly staffed according to the Division's practices and in accordance with accreditation requirements which heretofore had been the responsibility of higher-level managers. Employees in this class exercise discretion in drawing upon experience and seasoned judgment to identify, select, and apply an effective approach to behavioral problems and a range of other issues that arise in their daily work with an offender-resident population of diverse cultural, socioeconomic and educational backgrounds, varied personalities and perspectives and other characteristics that affect behavior. Employees in this class are exposed to bodily fluids through urine samples and Alco Sensor testing. There is exposure to aggressive, verbally abusive or potentially hostile people in an uncontrolled environment. Good 'situational awareness' is required to reduce risk to self. This class involves considerable standing, a good amount of walking, sitting, observing, bending, reaching and finger manipulation to provide service at the desk area, to conduct room inspections, etc. There is some driving required. There is occasional lifting of materials or resident property weighing twenty (20) to fifty (50) pounds.

EXAMPLES OF DUTIES: (Illustrative Only)

- Provides shift supervision to a group of Resident Supervisors Is and IIs to ensure compliance with policies and procedures and compliance with state and national Correctional standards, as well as to ensure completion of shift duties, and disciplinary documentation of subordinate Resident Supervisors.
- Coordinates staff response to difficult residents/visitors and emergency situations.
- Designates assignments/breaks on every shift for subordinate Resident Supervisors.
- Reviews activities of previous shift to include reports, information from pass on log, and verbal reports from the posts within assigned cluster or area; briefs subordinate staff of problem areas and status of that portion of the institution to which assigned.
- Monitors supervision, control, and discipline of offender-residents within assigned cluster/area.
- Carries out the duties of a Resident Supervisor (RS) on a unit or in Support Services.
- Arranges shift coverage based on unscheduled leave issues including, if necessary, mandatory drafting of on-duty staff to cover assignments on subsequent shifts and/or recruiting staff from home to cover these assignments.
- In the case of emergency, takes responsibility to coordinate staff response in the absence of onsite manager/supervisor.
- Recommends changes in operational and personnel procedures based on experience and problem areas encountered during daily operations.
- Prepares and submits appropriate reports concerning unusual incidents occurring during a shift and reviews written reports of shift members for accuracy, clarity and content.
- Upon request, gives input in decisions or actions regarding officers within assigned area on a variety of personnel matters involving orientation, training, annual leave, performance appraisal, promotion, rewards, and adjustment of minor complaints.
- Serves as the trainer for new Resident Supervisors.
- Leads and conducts on-the-job and in-service training for team members. Occasionally conducts briefings on operational problems, policy changes, and special management concerns.
- Confers with outside maintenance contractors to effect emergency repairs.
- Testifies in court as required.
- Contacts on-call managers and Department Director in cases of emergency.
- Performs related duties as required.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of the principles and practices of Corrections (care, custody, control, rehabilitation, discipline, etc.), including standards and guidelines of the Maryland Correctional Training Commission, Maryland Commission on Correctional Standards, and the American Correctional Association.
- Knowledge of the rules, regulations and requirements pertaining to various Resident Supervisor assignments within the Montgomery County Department of Correction and Rehabilitation's Pre-Release and Reentry Services Division.
- Knowledge of the direct supervision method of managing residents in a correctional environment.
- Knowledge of supervision responsibilities for Resident Supervisors on shift.
- Knowledge and skills in de-escalation techniques particularly with individuals who have mental health conditions.
- Knowledge and skill to use self-defense techniques and actions.
- Knowledge of the parameters of the appropriate use of force.
- Knowledge of County, State, and Federal regulations governing occupational safety and emergency management.
- Knowledge of County Code, County Personnel Regulations and the Collective Bargaining Agreement.
- Skill in the use of specialized emergency, security and safety equipment and techniques used in Pre-Release and Reentry Services.
- Skill in the use of technology for electronic monitoring and for informational management.
- Skill in writing reports and documenting incidents thoroughly and appropriately.
- Ability to interpret and apply core principles and generally-accepted standards and approaches of community-based corrections and Division Policies and Procedures. This includes the exercise of independent, seasoned judgment and discretion in adapting guidelines to address incidents and situations, as appropriate.
- Ability to work in a correctional environment.
- Ability to exercise good judgment, interpersonal skills and positive reinforcement techniques in supporting Resident Supervisors in the appropriate methods, procedures and techniques for controlling offenders and diffusing negative actions behavior.
- Ability to collaborate with other law enforcement, public safety, and social service agencies.
- Ability to respond and coordinate staff response to emergency situations at the Pre-Release program including resident escapes, assaults, and deaths in custody.
- Ability to assign resident Supervisors to shift responsibilities while carrying out shift responsibilities.
- Ability to carryout responsibilities as a Resident Supervisor.
- Ability to train Resident Supervisors.
- Ability to stand and walk for long periods under various work conditions.
- Willingness and ability to administer First Aid quickly, calmly and effectively.
- Ability to interact effectively and productively with people of diverse backgrounds and abilities.
- Ability to report to work as ordered for emergencies and to meet operational staffing needs.
- Ability to maintain punctual and excellent attendance.

MINIMUM QUALIFICATIONS:

Experience: Two (2) years of satisfactory experience as a Resident Supervisor II.

Education: Bachelor's Degree from an accredited college or university.

Equivalency: An equivalent combination of education and experience may be substituted.

Physical Ability: Ability to lift twenty (20) - fifty (50) pounds.

LICENSE:

- Possession and maintenance at all times of a valid Class "C" (or equivalent) driver's license from the applicant's state of residence.
- State of Maryland Correctional Officer Certification and First Aid, CPR, and Automatic External Defibrillator (AED) Certification not required but preferred.

Note: There will be no substitutions for this section.

PROBATIONARY PERIOD:

Individuals appointed or promoted to a position in this class will be required to serve a probationary period of twelve (12) months, during which time performance will be carefully evaluated. Continuation in this class will be contingent upon successful completion of the probationary period.

MEDICAL EXAM PROTOCOL: Core I Exam with a Drug/Alcohol Screen.

Class Established: January, 2012

Revised: August, 2013

October, 2014

(Probationary Period) February 2020