



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM 4B
March 8, 2022
Introduction

SUBJECT

Executive Regulation 16-21, Disposition of Accumulated Sick Leave

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Introduce a Resolution to approve Executive Regulation 16-21.
- This Regulation did not go to Committee because it would implement policies previously approved by the Council under Resolution No. 19-818.

DESCRIPTION/ISSUE

- This regulation is reviewed by the Council pursuant to Method (1). A regulation proposed under this method is not adopted until the Council approves it.
- The regulation would implement changes to the MCGEO Collective Bargaining Agreement that were accepted by the Council for FY2022 under Resolution No. 19-818, and that were accounted for in the FY22 operating budget. The FY22 operating budget allocated \$110,000 for this purpose.
- Under the regulation, an employee in the Retirement Savings Plan (RSP) or Guaranteed Retirement Investment Program (GRIP) who leaves County service with at least ten years of service and a sick leave balance of at least 120 hours would be entitled to receive \$5,000.
- An employee in the RSP or GRIP who leaves County service with at least twenty years of service and a sick leave balance of at least 240 hours would be entitled to receive \$10,000.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Executive's transmission memo

ER 16-21 (clean)

ER 16-21 (showing changes)

Fiscal Impact Statement

Proposed Resolution Approving ER 16-21

Resolution No. 19-818 (MCGEO Collective Bargaining for FY22)

Pages

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

February 4, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Executive Regulation No. 16-21, Amendment to the Montgomery County
Personnel Regulations --- Disposition of Accumulated Sick Leave at Separation
from County Service

I am transmitting Executive Regulation No. 16-21 which amends Section 17 of the Montgomery County Personnel Regulations. It provides for the disposition of accumulated sick leave for County employees who earn sick and annual leave. These employees are in the Retirement Savings Plan or the Guaranteed Retirement Investment Program when they separate from County service. The amended language would provide \$5,000 to employees who separate from County service with a sick leave balance of at least 120 hours at separation and at least 10 years of service, and \$10,000 to employees who separate from County service with a sick leave balance of at least 240 hours at separation and at least 20 years of service.

This proposed regulation is being promulgated by the Office of Human Resources (OHR), under Method 3 of Section 2A-15 of the Montgomery County Code. Executive Regulation No. 16-21 was advertised in the Montgomery County Register during the period October 1, 2021 through October 31, 2021, but no comments were received.

If you have any questions or would like additional information, please contact Darryl Gorman, Senior Advisor, Office of Human Resources, Executive Office Building, 101 Monroe Street, 7th Floor, Rockville, Maryland 20850, (240-777-5026).

Enclosures

cc: Nancy Navarro, Chair, Government Operations and Fiscal Policy Committee



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Disposition of Accumulated Sick Leave	Number 16-21
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

SICK LEAVE AMENDMENTS

Issued by: County Executive
COMCOR 33.07.01

Authority: Montgomery County Code (2014) Section 33-7(b)

Supersedes: Executive Regulation 16-13, in part
Council Review Method (1) Under Code Section 2A-15
Register Vol. 38, No. 8

Comment Deadline: October 31, 2021

Effective Date: _____

Sunset Date: None

SUMMARY: This Regulation amends Section 17 of the Montgomery County Personnel Regulations to provide for disposition of accumulated sick leave.

ADDRESS: Office of Human Resources
Executive Office Building
101 Monroe Street, 7th Floor
Rockville, Maryland 20850

STAFF CONTACT: Darryl Gorman, 240-777-5026, or darryl.gorman@montgomerycountymd.gov

BACKGROUND: The Montgomery County Code authorizes the County Executive to promulgate
INFORMATION personnel regulations.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Disposition of Accumulated Sick Leave	Number 16-21
Originating Department Office of Human Resources	Effective Date

COMCOR 33.07.01 PERSONNEL REGULATIONS

COMCOR 33.07.17 SICK LEAVE

33.07.01.17 Sick Leave

* * *

17-12. Disposition of accumulated sick leave at separation from County service. An employee must forfeit accumulated sick leave upon separation from County service, except that:

- (a) an employee in the Employees' Retirement System of Montgomery County (ERS) may use accumulated sick leave as credited service for retirement purposes under the ERS;
- (b) an employee in the Retirement Savings Plan (RSP) or Guaranteed Retirement Investment Program (GRIP) who leaves County service with at least ten years of service and a sick leave balance of at least 120 hours shall be entitled to receive \$5,000 in accordance with section (d) below, or
- (c) an employee in the Retirement Savings Plan (RSP) or Guaranteed Retirement Investment Program (GRIP) who leaves County service with at least twenty years of service and a sick leave balance of at least 240 hours shall be entitled to receive \$10,000 in accordance with section (d) below.
- (d) Employees may elect to defer this amount, subject to the applicable limits, to their deferred compensation account. Employees would be required to elect this option prior to separation from County service. Employees without a deferred compensation plan can elect to create a plan prior to separation of service, or can receive the payout as a lump sum, subject to applicable tax withholding.
- (e) This provision does not apply to employees *in RSP or GRIP* who earn Paid Time Off (PTO) instead of sick and annual leave.

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Disposition of Accumulated Sick Leave	Number 16-21
Originating Department Office of Human Resources	Effective Date

Approved as to Form and Legality:

Justin T. Nunley
Office of the County Attorney

1/19/2022
Date

Marc Elrich
Marc Elrich, County Executive

2/4/2022
Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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- (e) This provision does not apply to employees in RSP or GRIP who earn Paid Time Off (PTO) instead of sick and annual leave.

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Disposition of Accumulated Sick Leave	Number 16-21
Originating Department Office of Human Resources	Effective Date

Approved as to Form and Legality:

A handwritten signature in black ink, appearing to read "Silvia C. Kinch".

Silvia C. Kinch, Division Chief
Office of the County Attorney

9/13/2021

Date

A handwritten signature in black ink, appearing to read "Marc Elrich".

Marc Elrich, County Executive

2/4/2022

Date

Fiscal Impact Statement
Executive Regulation 16-21
Personnel Regulations – Sick Leave – Disposition of accumulated sick leave at separation
from County service

1. Executive Regulation Summary.

The regulation amends Section 17 of the Montgomery County Personnel Regulations to provide for the disposition of accumulated sick leave for County employees who earn sick and annual leave and are in the Retirement Savings Plan (RSP) or the Guaranteed Retirement Investment Program (GRIP) when they separate from County service. The amended language would provide \$5,000 to employees who separate from County service with a sick leave balance of at least 120 hours at separation and at least 10 years of service, and \$10,000 to employees who separate from County service with a sick leave balance of at least 240 hours at separation and at least 20 years of service.

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 Office of Human Resources (OHR) estimates that the fiscal impact using data from separations for the last three fiscal years. The results are in the following table:

Calendar Year	Sick Leave Payout Eligible Employee Personnel Cost = \$5,000 (at least 10 years of service and 120 hours)	Sick Leave Payout Eligible Employee Personnel Cost = \$10,000 (at least 20 years of service and 240 hours)	FISCAL YEAR TOTAL
2021 (to date)	7 employees \$70,000	12 employees \$60,000	\$130,000
2020	1 employee \$10,000	10 employees \$50,000	\$60,000
2019	1 employee \$10,000	13 employees \$65,000	\$75,000

The current fiscal year has seen a significant increase in the separation of employees, and an increase in the amount of those employees who meet the thresholds described in this proposed regulation. The estimated cost for a fiscal year ranges from \$50,000 to \$150,000. At this time, it is unknown whether the behavior in calendar year 2021 is an anomaly, perhaps catching up from COVID-19 response, or if it is the expected behavior as workforce patterns shift.

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

Based on the pattern over the past three calendar years where the cost has ranged between \$50,000 and \$150,000, the projected costs over the next 6 fiscal years are between \$300,000 and \$900,000.

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

Not applicable.

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

This regulation does not authorize future spending.

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

Existing staff in OHR, MCERP, and Finance (MCtime, Payroll and other FIN staff) is sufficient to implement this regulation.

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

It is estimated that staff time to implement this regulation will be minimal and it is anticipated that there will be no negative fiscal impact.

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

The FY22 approved budget includes \$110,000 for this purpose. This regulation does not include retroactive payments, and it is estimated that this amount will be sufficient for the remainder of FY22.

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

Increases in separations from County service would have an impact on cost estimates. Additionally, if there were changes to the amount of sick leave provided to employees, or the amount allowed to carry over from year to year, there would be an impact on the cost estimate for this regulation.

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

It is difficult to project the number of separations over the next 6 years. The range of expenditures will be subject to fluctuations associated with future separations.

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

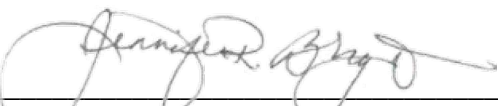
Not applicable.

12. Other fiscal impacts or comments.

None.

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

Darryl Gorman, Office of Human Resources
Corey Orlosky, Office of Management and Budget



Jennifer R. Bryant, Director
Office of Management and Budget

12/15/21
Date

Resolution No.: _____
Introduced: March 8, 2022
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: Council President on behalf of the County Executive

SUBJECT: Approval of Executive Regulation 16-21, Disposition of Accumulated Sick Leave

Background

1. On February 2, 2022, the County Council received Executive Regulation 16-21, Disposition of Accumulated Sick Leave.
2. The Council must review the regulation under Method (1) of Section 2A-15 of the County Code.
3. Under Method (1), the Council must approve the regulation before it takes effect.
4. ER 16-21 was advertised in the October 2021 issue of the Montgomery County Register. The Executive received no comments regarding the regulation.

Action

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

Executive Regulation 16-21, Disposition of Accumulated Sick Leave.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council

Resolution No.:	<u>19-818</u>
Introduced:	<u>April 20, 2021</u>
Adopted:	<u>April 27, 2021</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Collective Bargaining Agreement with Municipal & County Government Employees Organization

Background

1. Section 511 of the County Charter authorizes the County Council to provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of County Government employees.
2. Chapter 33, Article VII of the County Code implements Section 511 of the Charter and provides for collective bargaining by the County Executive with the certified representatives of County employees and for review of the resulting contract by the County Council.
3. On March 31, 2021, the County Executive submitted to the Council a collective bargaining agreement between the County government and Municipal and County Government Employees Organization effective July 1, 2020 through June 30, 2023 with Amendments agreed to for July 1, 2021 to June 30, 2022. A copy of the Amendments to the Agreement is attached to this Resolution.
4. The Executive has submitted to the Council the terms and conditions of the Agreement that require or may require an appropriation of funds or changes in any County law or regulation for FY2022.
5. The County Council considered the Agreement at a worksession and made decisions on April 27, 2021.
6. The County Council is required by law to indicate on or before May 1 its intention regarding the appropriation of funds or any legislation or regulations required to implement the agreements unless the Council extends the date.

Action

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

The County Council intends to approve the following provisions for FY2022:

1. \$1684 general wage adjustment payable on the last pay period in June 2022.
2. 3.5% service increments for all eligible bargaining unit members on their anniversary date.
3. 1.25% service increment for all eligible bargaining unit members who were eligible to receive a service increment in FY11 when the Council did not approve any FY11 wage increases for any County employees in May 2010.
4. Longevity step increment of 2.5%, 3%, or 3.5% for eligible bargaining unit members.
5. A \$600 lump sum payment on the first pay period after July 1, 2021 for each member who is not eligible for a service increment in FY22.
6. An increase in shift differential based on shift time for employees who must work shifts beginning after noon or later from \$1.40 to \$1.42 or from \$1.56 to \$1.87.
7. Increase in classifications eligible for field training differential pay.
8. An increase to the Get-in Program Transit Subsidy from \$75/month to \$265/month for all unit members.
9. An increase in the meal allowance from \$10 to \$15.
10. Tuition Assistance at \$100,000 shared with IAFF and unrepresented employees.
11. Adjustments to the requirements for Holiday Pay.
12. Additional \$5/hour for acting pay.
13. Increase standby pay for Fire Marshals to 30% of pay on weekdays and 50% of pay on weekends.
14. Additional \$0.50 per hour for seasonal employees.
15. New sick leave payout program for employees in RSP or GRIP who leave service of either \$5000 or \$10,000 for employees with either 10 or 20 years of service.

16. Increase uniform allowance for certain DOCR employees from \$250 to \$375 and new shoe allowance of \$145 for DOCR Resident Supervisors.
17. Additional ½ hour pay for DOCR employees in Group E for lunch break in facility.
18. New \$1500 stipend for HHS employees in Crisis Center.
19. Increase boot reimbursement from \$145 to \$200 for Highways Services workers.
20. \$200 shoe allowance annually for Fleet Services employees in DGS.

The County Council intends to reject the provision that would increase the County share of non-HMO group insurance premiums from 75% to 80% and intends to approve the group insurance cost share as currently adopted for FY2021.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council