



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM#5M
 March 15, 2022
Action

SUBJECT

Executive Regulation 16-21, Disposition of Accumulated Sick Leave

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Action on 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:

	Pages
Executive’s transmission memo	©1
ER 16-21 (clean)	©2
ER 16-21 (showing changes)	©5
Fiscal Impact Statement	©8
Proposed Resolution Approving ER 16-21	©10
Resolution No. 19-818 (MCGEO Collective Bargaining for FY22)	©11

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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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- (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:



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

9/13/2021

Date



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.

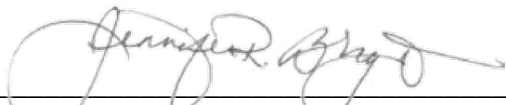
Not applicable.

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.: 19-818
Introduced: April 20, 2021
Adopted: April 27, 2021

**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:

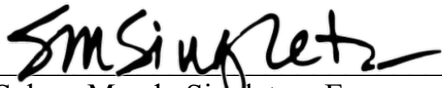
The County Council intends to approve the following provisions for FY2022:

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

MEMORANDUM OF AGREEMENT
BETWEEN
THE MONTGOMERY COUNTY GOVERNMENT
AND
MUNICIPAL & COUNTY GOVERNMENT EMPLOYEES ORGANIZATION, UFCW, LOCAL 1994

The Montgomery County Government (Employer) and the United Food and Commercial Workers, Local 1994, Municipal & County Government Employees Organization (Union), conducted negotiations pursuant to Section 33-108 of the Montgomery County Code to amend the Collective Bargaining Agreement for the term of July 1, 2020 through June 30, 2023. As a result of those negotiations, the Employer and the Union agree that the Collective Bargaining Agreement shall be amended according to the terms set forth below.

Please use the following key when reading this agreement:

<u>Underlining</u>	<i>Added to existing agreement</i>
[Single boldface brackets]	<i>Deleted from existing agreement.</i>
* * *	<i>Existing language unchanged</i>

* * *

ARTICLE 5 – WAGES, SALARY, AND EMPLOYEE COMPENSATION

* * *

5.2 Wages

- (a) Effective the [first] last full pay period [following December 8, 2019] in June 2022, each bargaining unit member shall receive a [2.25 percent] \$1,684 general wage adjustment (GWA) increase in their base pay. Effective the last full pay period in June 2023, each bargaining unit member shall receive a \$1,988 GWA increase in their base pay or the dollar amount increase in base pay that County Councilmembers’ receive in December 2021. If the amount of the County Councilmembers’ December 2021 statutory increase exceeds \$1,988, the County shall submit a FY23 Recommended Budget that includes the difference between the amount given to the County Councilmembers and the \$1,988 provided for in this section. Bargaining unit employees shall be paid a base salary pursuant to the uniform pay plan, which appears in Appendix VII of this Agreement. An equivalent increase shall be made to the Deputy Sheriff and Correctional Officer Uniform Salary Schedules, which appear in Appendix I and IV of this Agreement, respectively.

[For FY21, the County Executive agrees to timely submit a supplemental appropriation from the County Council for earlier funding (prior to June 20, 2021) of the GWA and other deferred provisions under the following circumstances:]

- [· the County’s total revenue and revenue projections for FY21, as determined by the Montgomery County Department of Finance and Office of Management and Budget, are in excess of the FY21 Council approved revenue figures by at least \$20 million. The County will review the revenue and revenue projections at the end of each quarter for

the conditions above. This review will be completed no later than one month after the conclusion of each quarter, and the results will be shared with the Union;]

- [· the Council grants an increase to any Montgomery County Government employee group (excluding service increments or longevity steps, or statutorily-granted increases to elected officials' compensation); or]
- [· the Council approves tax-supported spending in excess of the approved FY21 tax-supported budget (excluding spending related to a response to COVID-19) by at least \$200,000.00.]

[If the Council approves the supplemental appropriation, the adjustments shall be effective the first full pay period after the appropriation is approved. The adjustment may not show on an employee's pay advice for up to two full pay periods, but the adjustment will be paid retroactive to the effective date.]

* * *

- (c) Each unit member whose salary is at top of grade and who is not eligible to receive a service increment funded in this agreement shall receive a [~~\$1,000~~] \$600 lump sum payment [in FY20. This payment will be made in one lump sum, by separate payment,] on the same pay date as the one associated with the first full pay period after July 1, [2019] 2021 and a \$600 lump sum payment on the same pay date as the one associated with the first full pay period after July 1, 2022. The lump sum payments [is] are considered regular earnings for income, withholding, and employment tax purposes. The payments will not be added to the employees' base salary. The payments will be prorated for part time employees as a percentage of hours in a non-overtime pay status during the period of June 7, 2020 through June 5, 2021 for the FY22 lump sum payment and the period of June 6, 2021 through June 4, 2022 for the FY23 lump sum payment as compared to a full-time employee working 2,080 hours. These payments are not considered "regular earnings" for retirement/life insurance purposes and employees will not receive any retirement/life insurance benefits based on these payments. Employees will not be required to contribute toward their retirement for this payment.

5.3 Shift Differential

- (a) Effective the first full pay period [after July 1, 2013, each employee required to work a shift that begins between the hours of 2:00 PM and 10:59 PM shall receive \$1.40 for each hour worked and \$1.56 for each hour worked on a shift that begins between the hours of 11:00 PM and 5:00 AM. Employees who begin a shift at or after 12 noon will be paid a shift differential for hours after 2:00 PM when 75 percent of their work hours are scheduled within the designated times above.] following July 1, 2021, employees shall receive one dollar and forty-two cents (\$1.42) for each hour worked on a work shift that begins on or after 12:00 noon and prior to 7:59 p.m., and one dollar and eighty-seven cents (\$1.87) for each hour worked on a shift that begins on or after 8:00 p.m. and before 5:59 a.m. Overtime hours worked during the above prescribed shifts shall be paid the differential.

* * *

5.7 Stand-By Pay

(a) If an employee is required to remain ready during off-duty hours to perform unscheduled and unanticipated work, the County must pay stand-by compensation to the employee at the rate of 15 percent of the employee's regular hourly salary or \$4.00 per hour, whichever is greater. [For the term of this agreement, FY20 , f] Fire marshals will be compensated at the rate of 30% of the employee's regular hourly salary for stand by pay and the rate of 50% of an employee's regular hourly salary on Saturday through Sunday and holidays.

* * *

5.22 Field Training Pay Differential

Effective the first full pay period following July 1, [2019] 2021 Bus Operators, Police Telecommunicators, Correctional Officers, [and] Deputy Sheriffs, Community Health Nurses, School Health Room Technicians, Forensic Scientists, Forensic Specialists, Forensic Firearms/Toolmark Examiners, Latent Print Examiners, and Housing Code Inspectors who have completed trainer training and are assigned to train new unit members shall receive a field training pay differential of \$3.25 for each hour of training.

* * *

5.31 Get-In Program Transit Subsidy

Employees shall be eligible to receive a monthly discount/ rebate of [\$75] \$265 for public transportation, commuter rail or van pools through the County Get-In Program.

* * *

ARTICLE 6 – SERVICE INCREMENTS

* * *

6.8 [Effective July 1, 2019] Effective the first full pay following July 1, 2021, eligible bargaining unit employees shall receive an annual service increment of 3.5 percent as described in this Article.

6.9 Service increments that eligible bargaining unit employees were scheduled to receive in FY2011, but which the County Council elected not to fund for FY 2011, shall be granted and phased in over three years, with the first phase of the 3.5 percent occurring as a 1 percent increase effective during the first full pay period following January 1, 2020. The second phase of 1.25 percent shall be granted during the first full pay period after July 1, [2020]2021, and the third phase of 1.25 percent shall be granted during the first full pay period after July 1, [2020]2022. The FY 2012 and FY 2013 increment that eligible bargaining unit members would have received in FY 2012 and FY 2013 will not be paid in [FY 2020 or 2021] FY 2022 or FY 2023. Continued deferment of these increments does not prohibit the parties from discussing alternate resolutions in future collective bargaining negotiations.

* * *

ARTICLE 20 - HOLIDAY LEAVE

* * *

20.7 Premium Pay for Holiday Work

- (a) A full-time employee who is required to work on a holiday must receive:
- (1) regular pay for the hours scheduled to be worked on the [normal] work day 8, [or] 10, or 12 hours, as applicable;
 - (2) premium pay at a rate of 1½ times the regular hourly rate for each hour worked for the [normal] work day on which the holiday occurs; and
 - (3) overtime compensation for each hour worked in excess of the [normal] work day of 8 [or], 10, or 12 hours, as applicable.
- (b) A part-time employee who is required to work on a holiday must receive:
- (1) regular pay for the prorated share of the hours scheduled to be worked on the [normal] work day;
 - (2) premium pay at a rate of 1½ times the regular rate of pay for the prorated share of hours worked on the holiday; and
 - (3) overtime compensation for each hour worked in excess of the normal work day of 8 [or ten], 10, 12 hours, as applicable.
- (c) In order to receive premium pay for work on a holiday, an employee must have worked his [/] or her last scheduled workday before and after the holiday or have been on a scheduled absence, as defined in 5.90(j).

* * *

ARTICLE 23 – PROMOTION

* * *

23.3 Acting Pay

Employees will not normally be assigned to a higher classified job, unless required by workload as determined by the Employer. [However, employees who are assigned to a higher classified job for a period of more than 10 days shall receive the rate of pay of the higher classified job retroactive to the first day of work at the higher level]. Employees formally assigned to a higher classified job shall be paid an hourly differential of five dollars (\$5.00) for all hours worked in the higher classification.

* * *

ARTICLE 32 – TOOLS AND UNIFORMS

* * *

32.5 Uniforms For Employees

* * *

(h) Departmental Uniforms (OPT Bargaining Unit)

During the first year of this agreement uniforms will be provided for:

* * *

- (2) Correction and Rehabilitation, Community Contract/Resident Supervisors [civilians assigned to the Central Processing Unit]; and

* * *

ARTICLE 44 – NON-PUBLIC SAFETY RETIREMENT PLANS

* * *

44.11 Cash Value of Sick Leave

Unused sick leave for participants in the RSP or GRIP plans will be paid according to the following schedule:

- Employees with at least 10 years of service and a sick leave balance of at least 120 hours shall be entitled to receive \$5,000.
- Employees with at least 20 years of service and a sick leave balance of at least 240 hours shall be entitled to receive \$10,000.

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 of service. Employees without a deferred compensation plan can elect to create one prior to separation of service, or can receive the payout as a lump sum, subject to applicable tax withholding.

* * *

ARTICLE 53 – SUBSTITUTE, SEASONAL, AND TEMPORARY EMPLOYEES

53.1 Wages

* * *

(b) Seasonal employees on the Seasonal Salary Schedule who do not encumber OPT/SLT unit positions shall receive [no adjustment in FY21] (1) a \$.50 wage adjustment in FY22 effective the first full pay period following July 1, 2021, or the Montgomery County minimum wage, whichever is greater, and (2) a \$1.00 wage adjustment in FY 2023 (\$0.50 of which will be effective the first full pay period following July 1, 2022 and \$0.50 of which will be effective the last full pay period in June 2023) or the Montgomery County minimum wage, whichever is greater.

* * *

APPENDIX II – OPT Unit - DEPARTMENT OF HEALTH AND HUMAN SERVICES

General Issues

* * *

(g) Therapists, Behavioral Health Associate Counselors, and Behavioral Health Technicians assigned to the Crisis Center shall receive a yearly stipend of \$1,500 in the last full pay period of the fiscal year. Affected employees who work a minimum of seventy-five percent (75%) of the scheduled hours in that fiscal year shall receive the stipend.

* * *

APPENDIX IV – OPT Unit - DEPARTMENT OF CORRECTION AND REHABILITATION

* * *

(h) Voluntary and Involuntary Overtime

* * *

(5) Department bargaining unit employees within retirement Group E shall receive thirty (30) minutes of straight time for each shift worked in addition to the regular 8-hour tour of duty and shall not be permitted to leave the facility during a lunch break. Employees on special assignment in the administrative areas who are permitted to leave the premises for lunch shall not receive the thirty (30) minutes of straight time on any day he or she is so assigned.

* * *

(l) DOCR CHN and LPN Items

1. Uniform allowance will be increased to [\$250.00] \$375.00.

* * *

(y) Resident Supervisor Uniforms

1. Current and new Resident Supervisor hires shall receive five (5) polo-style shirts and five (5) pairs of khakis. Thereafter, each year each Resident Supervisor shall receive three (3) polo-style shirts and three (3) pairs of khakis.
2. Current and new Resident Supervisors shall receive a shoe allowance of \$145 per year.
3. The implementation of a uniform cleaning service shall be referred to the DOCR LMRC, which shall make a recommendation to the Department.

* * *

APPENDIX VI – OPT/SLT Units – DEPARTMENT OF TRANSPORTATION

* * *

(c) Highway Services

* * *

5. DOT - Highways shall contribute up to \$200.00 during FY21 towards the purchase of safety shoes by employees, as required or recommended by management for DOT Highways Services employees. To receive reimbursement, the employee must present a valid receipt for the purchase of the shoes to his or her assigned Department or Agency, the shoes must fit the job assignment of the bargaining unit employee as determined by Risk Management, and the shoes must comply with American National Standard Institute (ANSI) safety standard ANSI:Z41.1-1999 or any subsequently adopted appropriate ANSI or ASTM standard.

* * *

APPENDIX XX – DEPARTMENT OF GENERAL SERVICES [– BUILDING ISSUES]

* * *

(f) Fleet Management

* * *

- (5) Fleet Management Services shall contribute up to \$200.00 annually towards the purchase of safety shoes by employees, as required or recommended by management. To receive reimbursement, the employee must present a valid receipt for the purchase of the shoes to his or her assigned Department or Agency, the shoes must fit the job assignment of the bargaining unit employee as determined by Risk Management, and

the shoes must comply with American National Standard Institute (ANSI) safety standard ANSI:Z411999 or any subsequently adopted appropriate ANSI or ASTM standard.

* * *

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their duly authorized officers and representatives as of the dates indicated below.

United Food and Commercial Workers
Local 1994, Municipal & County
Government Employees Organization

Gino Renne

Gino Renne (Mar 29, 2021 16:14 EDT)

Gino Renne
President

Mar 29, 2021

Date

Montgomery County Government
Montgomery County, Maryland

Marc Elrich

Marc Elrich
County Executive

3/31/2021

Date

Jennifer Harling 2/28/21

Jennifer Harling, Esq.
Chief Labor Relations Officer

Mar 29, 2021

Date

Steven Blivess

Steven N. Blivess
Lead Negotiator

Mar 29, 2021

Date

Approved for form and legality by:

Edward E. Haenftling, Jr.

Edward E. Haenftling, Jr.
Associate County Attorney

Mar 30, 2021

Date

**MEMORANDUM OF AGREEMENT
BETWEEN
MONTGOMERY COUNTY GOVERNMENT
AND
THE UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1994
MUNICIPAL AND COUNTY GOVERNMENT EMPLOYEES ORGANIZATION
AFL-CIO
OFFICE, PROFESSIONAL, AND TECHNICAL (OPT) AND
SERVICE, LABOR, AND TRADES (SLT) BARGAINING UNITS**

The Montgomery County Government (“County”) and the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees Organization AFL-CIO, Office, Professional, and Technical and Service, Labor, and Trades Bargaining Units (“MCGEO”) agree as follows regarding retirement benefits:

1. The parties shall create a Retirement Security Task Force with the dual purpose of assessing the viability of changes to the applicable retirement benefit groups and post-retirement health benefits, as well as ensuring the long-term sustainability of the Montgomery County Employees Retirement Plans and the Consolidated Retiree Health Benefits (“OPEB”) Trust.
2. The composition of the task force will include up to five (5) representatives to be chosen by MCGEO and up to five (5) representatives to be chosen by the County’s Chief Administrative Officer. By agreement of the parties, subject matter experts may be called upon by the task force and will not count towards either party’s participant limit. To the extent there are overlapping purposes, the task force may work in conjunction with the other County bargaining unit representative organizations. The parties may engage a retirement/health benefit consultant to assist this taskforce in its work.
3. The task force shall consider the following for the dual purpose of enhancing/stabilizing benefits received by the employees while simultaneously exploring and identifying potential cost savings to both the employees and the County:
 - a. The impact of changes in actuarial assumptions (e.g., investment returns, economic scenarios, market risks, changes in life expectancy/mortality, contribution levels, etc.) on the ERS, RSP, GRIP, and OPEB Trust.
 - b. Benchmarking the ERS, GRIP, and OPEB Trust funding levels, actuarial assumptions, and benefit levels to include the RSP with regional retirement plans to ascertain the market competitiveness of retirement and retiree health benefits in the context of total compensation and retiree benefit payouts and coverage.
 - c. Benefits levels and benefits structures on departmental operations – such as recruitment and retention – and evaluate whether the creation of additional defined contribution plan structures (e.g., a defined contribution plan for ECC and/or DOCR employees) would be financially viable and supportive to departmental operations and help mitigate staffing shortages in key service delivery areas.
 - d. The adoption of viable future changes to the ERS or the OPEB Trust to ensure the long-term sustainability and funding levels of both funds.
 - e. Stabilizing the funding levels of the ERS to assure the payment of retirement obligations.

- f. Retirement income replacement ratios of retirement ERS members to ensure current benefit levels provide sufficient income to ERS retirees and participants in the RSP and GRIP.
 - g. Military service credit for Group E retirement plan participants to assure appropriate recognition of military service.
4. The task force shall have its first meeting no later than March 1, 2021 and shall conclude its work no later than November 1, 2021, unless the deadline is extended by mutual agreement of the parties. The task force shall provide recommendations to MCGEO and to the County's Chief Administrative Officer on or about November 1, 2021.
5. Should MCGEO and the County agree to any recommendations requiring Council approval for funding, these recommendations shall include the specific language to be included in the Fiscal Year 2023 collective bargaining agreement and shall be included in the County's budget for Fiscal Year 2023. Any recommendations agreed to after November 1, 2021 shall be submitted to the Council as necessary as stand-alone legislation with a supplemental appropriation.

IN WITNESS WHEREOF, the Parties hereto have caused their names to be subscribed by their duly authorized officers and representatives as of the dates indicated below.

For MCGEO

Gino Renne

Gino Renne (Mar 23, 2021 14:52 EDT) Mar 23, 2021

Gino Renne Date

President

For the County:

Steven Blivess

Mar 23, 2021

Steven N. Blivess Date

Labor Manager / Lead Negotiator

Approved for form and legality by:

Edward E. Haenftling, Jr.

Mar 23, 2021

Edward E. Haenftling, Jr. Date

Associate County Attorney