

# COUNTY OF MONTGOMERY

## HUMAN SERVICES MERIT HIRE SYSTEM

### Policy and Procedure Manual



# Table of Contents

MONTGOMERY COUNTY’S HUMAN SERVICES MERIT HIRE SYSTEM .....	3
MONTGOMERY COUNTY’S HUMAN SERVICES HIRING PROCESS.....	5
INTRODUCTORY PERIOD .....	10
PERFORMANCE EVALUATIONS .....	13
PROMOTION .....	14
EMPLOYEE DEVELOPMENT AND TRAINING .....	15
PREPARATION OF JOB DESCRIPTION .....	15
PREPARATION OF CLASSIFICATION PLAN .....	15
PREPARATION OF COMPENSATION PLAN .....	16
MERIT INCREASES .....	16
MONTGOMERY COUNTY’S HUMAN SERVICES GRIEVANCE PROCEDURE .....	18
FURLOUGH .....	21
POLITICAL ACTIVITY .....	22
INDIVIDUAL RECORDS AND EMPLOYMENT HISTORY RECORDS .....	24

## **MONTGOMERY COUNTY'S HUMAN SERVICES MERIT HIRE SYSTEM**

Montgomery County's Merit system is based on the principle that the County is best served by motivated, competent, honest and productive workers. In a merit system, employees are hired, promoted, rewarded, and retained on the basis of individual ability and fitness for employment without regard to race, color, sex, religion, age, or national origin. Central to this principle is the protection of employees from discrimination, improper political influence and personal favoritism.

Most of the conditions of employment are established by the County's Merit System. This includes pay, introductory period, transfers, promotions, disciplinary actions, grievance procedures, adverse actions (including terminations), and rights of appeal.

The Merit System's purpose is to ensure that all personnel decisions are made on the basis of qualifications and ability to do assigned work.

The Merit System also deals with the Position Classification Plan and the Compensation Plan. The Position Classification Plan groups the various positions into classes with appropriate titles, descriptions of duties and responsibilities, types of work performed and minimum qualifications. The Compensation Plan is intended to provide all employees with fair and competitive pay and to provide an equitable system of payment. It consists of salary/wage schedules showing pay ranges including the minimum, middle and maximum rates of pay and the assignment of each classification to a pay range.

**OBJECTIVE:** The Montgomery County Merit Rules are established to provide a system of personnel administration that is based on merit principles and designed to promote the following:

- (1) The recruitment, selection and advancement of merit system employees shall be on the basis of their relative abilities, knowledge and skills, including the full and open consideration of qualified applicants for initial appointment;
- (2) Merit system employees shall be provided compensation consistent with standard of comparability with other public agencies and the private sector;
- (3) Merit system employees shall be provided training as needed to assure high quality performance and such training where possible should also provide increased opportunity to facilitate their career advancement;
- (4) Merit system employees are encouraged to excel in their work performance; they shall be retained if they meet standards of satisfactory overall performance and shall be separated from merit system service if they do not; both supervisors and subordinates have an equal responsibility to facilitate work performance correction and improvement;
- (5) All applicants to and employees of the County merit system shall be assured fair treatment without regard to political affiliation or other non-merit factors in all aspects of personnel administration. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, national origin, sex religious creed, age or handicap with reasonable

accommodation and with proper regard for their privacy and constitutional rights as citizens;

- (6) Merit system employees shall be protected against any coercion to engage in illegal or improper actions or partisan political activities and shall be prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.

#### **SCOPE AND EXEMPTIONS:**

The Merit System shall apply to all applicants and employees in the Departments of Aging and Adult Services; Behavioral Health/ Developmental Disabilities; the Office of Children and Youth; and Drug and Alcohol of Montgomery County. If any of the provisions of the Merit System are in conflict with an existing collective bargaining agreement, the provisions of the existing collective bargaining agreement shall be controlling for employees covered by that existing collective bargaining agreement.

#### **STATUS OF PRESENT EMPLOYEES:**

All County employees holding positions on the effective date of this Merit System shall be continued in their positions in accordance with Merit System Rules as they are now or are hereafter amended.

#### **MANAGEMENT AND MERIT HIRE SYSTEM REINFORCEMENT:**

The Heads of the Departments will meet regularly to provide for the short and long range workforce/occupational planning needs of the Montgomery County Merit Hire System. This will include planning for current workforce challenges; future workforce needs due to changing situations including legislative changes, budgetary challenges and staff and skill impacts.

#### **MERIT HIRE HANDBOOK - POLICIES AND PROCEDURES:**

The Merit System Handbook will be posted in the Department of Human Resources and on the County web-site at [Montcopa.org](http://Montcopa.org). The Merit System Handbook will also be available on the County's intranet website at <http://intraweb.montco.montcopa.org> under the Human Resources Department. The Merit Hire Handbook will be distributed to all current and new employees along with an employee verification.

#### **MONTGOMERY COUNTY EMPLOYEE HANDBOOK:**

The Montgomery County Employee Handbook is posted in the Department of Human Resources and on the County intranet website at <http://intraweb.montco.montcopa.org>. The Employee Handbook is distributed, or employees are provided notification, when the handbook is updated along with an employee verification.

## **MONTGOMERY COUNTY'S HUMAN SERVICES HIRING PROCESS**

### **A. Policy Statement:**

It is the policy of the County of Montgomery to recruit and select the most qualified candidates for vacant positions and to do so in a manner that provides equal employment opportunity, ensures open competition, and prohibits discrimination.

### **B. Purpose Statement:**

The purpose of this policy is to provide supervisors with the tools necessary to recruit, select, and hire qualified candidates for vacant positions.

### **C. Scope Statement:**

This policy applies to all County Employee and County-affiliated employees responsible for the employment process for prospective County of Montgomery employees. Certain County employees are subject to the provisions of prevailing collective bargaining agreements. Provisions of such collective bargaining agreements shall be followed if there is a conflict between this policy and such provisions.

### **D. Procedures:**

#### **STEP I: Prior to Recruitment**

In order to begin the hiring process there must be a vacant/replacement position open, or a new position must be created. New positions are created through the budget process or in consultation with the Director of Human Resources and the appropriate administrative officer. All vacancies will be posted according to the County of Montgomery Hiring Procedures.

#### **STEP II: Recruitment**

The County of Montgomery is an equal opportunity employer. Although all applicants compete on equal terms, achieving diversity is an important aspect of County recruitment practices. The County sees diversity as an important way to promote fairness and equity in the workplace, foster communication, creativity, innovation, and respect among members of the workforce. Men, minorities and other underrepresented groups are strongly encouraged to apply.

The Hiring Manager, being aware that there may be underrepresented groups in the workforce, such as men and minorities, will take into consideration whether a candidate is from a group that is disproportionately underrepresented or otherwise disadvantaged within the workforce.

Recruitment will provide for the short and long range workforce/occupational planning needs of the program.

Recruitment files will also be created for each vacancy including the job posting; county applications and resumes; assessment forms; reference checks; transcripts; non-selection and non-qualified letters; and a copy of who was interviewed and will also include applications of those candidates who were qualified and interviewed, as well as the candidates who were not qualified. All tracking information and records for the job posting will be included in the Recruitment file.

Recruitment files are maintained for at least three years. The Department head will maintain a new job posting and requisition file which will contain new jobs postings, position description, and job posting begin and end date.

The Job Requisition and Posting Form is completed and submitted to the Director of HR. The job posting must include the job summary (consistent with job description) and skills assessments. All advertisements will identify the County as an equal opportunity employer.

### **STEP III: Postings**

Upon approval of the new job posting and requisition form, the Department of Human Resources posts the job opening on the website for at least two (2) weeks. The job postings will also be available posted in centrally located bulletin boards in the appropriate departments as well as through PA CareerLink, Montgomery County senior centers and RSVP of Montgomery County "Retired Senior Volunteer Program" and local colleges and universities when appropriate.

If classified advertising is determined to be necessary by the organizations needs the Human Resources Director will assist with the writing and placement of an advertisement community and media sources. All postings can be viewed by both internal and external candidates. County buildings are open to the public and the public has access to County bulletin boards to view the postings.

The Department Head will maintain a new job posting and requisition file which will contain new jobs postings, position description, and job posting begin and end date.

### **STEP IV: Application Process**

Following the posting of the job opening, the Human Resources Director and the Departments of Aging and Adult Services, Behavioral Health/ Developmental Disabilities, the Office of Children and Youth, and Drug and Alcohol will receive employment applications.

#### ***Minimum Qualifications***

The minimum qualifications prescribed for any County employment shall not be less than those prescribed by law. Changes to the minimum qualifications prescribed for any County employment that increases educational requirements shall have no effect on the eligibility of incumbents to continue their employment unless such change is required by state or federal law.

## **STEP V: Review of Applications**

The designated Hiring Manager for the involved department screens all applications received and forwards those that meet the job requirements and qualifications to the Department Head. All applications will be reviewed to be certain they meet the minimum qualifications of the position.

### ***Selecting applicants to be interviewed***

As a result of the initial review of applications, the Hiring Manager will sort the applications into one of the following categories:

1. **Lead Qualified Candidates:** Those applicants whose qualifications and experience exceed the minimum experience and training requirements.
2. **Qualified Candidates:** Those applicants whose qualifications and experience meet the minimum experience and training requirements.
3. **Unqualified Candidates:** Those applicants whose qualifications and experience do NOT meet the minimum experience and training requirements.

Lead candidates will be selected for an interview. If there are no lead candidates, qualified candidates may then be selected for an interview.

## **STEP VI: Interview and Selection**

Once applications are received and reviewed in the department based on minimum qualifications and salary requirements, the top candidates are selected for interview based on the position requirements and applicant eligibility. As outlined in the employee handbook the hiring/selection rules will be consistently followed with special consideration of the impact of selection methods and examination material on minorities and women. The department head selects candidates to interview and the Hiring Manager contacts them to schedule interviews. Candidates selected for an interview will meet the criteria for both work experience and education.

Applicants who do not meet the minimum experience and training requirements (METs) will not be considered nor advance through the selection process. Applicants who do meet the MET's but cannot provide an adequate writing sample will not advance through the selection process.

### ***Assessing the Candidate***

1. The essential functions of the job should be reviewed.

2. All of the candidates should be measured by the same criteria. All candidates should be assessed on how qualified they are to perform the essential functions of the job.
3. An assessment form may be prepared which includes all of the criteria needed to qualify for the position, including education, experience and skills
4. Using the assessment form, each candidate should be evaluated to determine the degree to which they possess the necessary education, experience, and skills. To ensure that the assessment is fair and complete, all of the candidates' qualifications in relation to the criteria listed on the assessment form should be placed in writing.
5. All those who have interviewed candidates for a given position should use the same assessment form.
6. Once the assessment form has been completed, it should be used to help compare the candidates to select the individual who best meets the qualifications that were established.
7. Candidates may also be asked to either take a screening assessment (currently an on-line tool), a skill test (also on-line tools) and/or to provide a writing sample to be considered before the final candidate is selected – this also applies to lateral transfers and internal promotions.
8. *For Clerical Staff:* Skills testing of the top candidates on MS Office (software programs based on departmental need-Word, Excel, PowerPoint, Access, etc.) or other program identified in the minimum qualifications as necessary to meet requirements of the position for which they have applied. The department may choose to perform the testing prior to interviewing.

There is a minimum score that must be achieved. A candidate needs to score at least 6000 adjusted keystrokes per hour, and a score of 30 adjusted words per minute. This score is good for every position except for a Clerk of Courts position, which requires 9000 adjusted keystrokes per hour and 30 adjusted words per minute.

9. *For Caseworkers:* Caseworker testing will include a writing sample provided by the candidate immediately following the interview. The writing sample should provide proof that the candidate is able to communicate in writing using proper sentence structure and correct spelling. The sample should address a topic related to the position. Again, the department may choose to request and review the writing sample prior to interviewing.
10. *For Supervisors:* The interview and selection process will include a writing sample provided by the candidate immediately following the interview. The sample should address a topic related to the position and should prove that the candidate be able to provide proof that proper sentence structure and correct spelling is present. Again, the department may choose to request and review the writing sample prior to interviewing.
11. *For Managers/Deputies:* The interview and selection process will include a writing sample provided by the candidate immediately following the interview. The sample should address a topic related to the position and should prove that proper sentence



structure and correct spelling is present. Again, the department may choose to request and review the writing sample prior to interviewing.

12. *For Department Heads:* The County Commissioners, while following the procedures set forth by DPW, will direct the interview and hiring process for department heads and policy making positions.
13. Second level interviews may or may not occur depending on need and/or “tie” in ratings.

### ***Checking References***

1. Reference checks are required to verify the validity of the information the candidate provided on the application/resume and/or during the interview. Educational qualifications, work experience, military records, etc. should be verified.
  2. The Hiring Manager or Human Resources Department may complete the reference checks.
  3. The candidate should be informed that the County will be conducting reference checks as part of the selection process. The candidate should be asked to provide the names, titles, and phone numbers of previous supervisors, if they have not already done so on the application.
  4. The County of Montgomery prefers three professional references, but will accept at least two.
  5. The County of Montgomery will, as needed, call and/or request information from universities and/or military offices to check the information given on education and military background.
- Final recommendation is based on the assessment form and references. The department’s designated Hiring Manager compiles the interview and assessment results and supplies them to the Department Head. Once the Department Head approves the recommendation, the Hiring Manager submits the appropriate paperwork to the Human Resources Department for Commissioner consideration.
  - Veterans and Aging Preference: All other things being equal among the top candidates, the applicant who has stated Veteran status on their application will be recommended for the position. If the position is in the Department of Aging and Adult Services, all other things being equal among the top candidates, the qualified applicant the age of 60 or over and who has claimed Aging preference during the interview process will be recommended for the position.
  - Applicants that wish to be considered for any of the Military authorities or appointments must provide a legible DD-214 that clearly shows your discharge status, your full service time that you are wishing to be considered for, any qualifying medals or awards and the necessary letter from the VA, if you are claiming a compensable preference.
  - Child abuse, criminal history and FBI clearances must be completed where required by law.

### **STEP VII: Offering a Position**

The Hiring Manager notifies the Human Resources Director about the applicant selected for hire and sends all paperwork (completed references and copy of application) to the Human Resources Director.

### **STEP VIII: Conditional Offer of Employment**

The Hiring Manager makes a conditional offer of employment to the applicant. The hiring manager should impress upon the candidate that the offer of employment is conditional upon successful completion of required clearances and background checks.

### **STEP IX: Conditional Offer of Employment in Writing**

The Hiring Manager sends the new hire a conditional offer in writing.

### **STEP X: Approval by Commissioners**

The new hire is placed on Salary Board for approval by the Commissioners.

### **STEP XI: New Employees Begin.**

The Human Resources Director collects new hires' completed paperwork. Instructions are given to obtain a County identification card through the Security department.

Upon hire, all new employees will receive orientation. Human resources will be responsible to new hire orientation. An orientation checklist with employee signoff will be utilized. New hires will be informed of the Montgomery County Merit System Principles and prohibited personnel practices as part of the orientation process.

All employees shall be provided with a detailed job description for the position to which they have been assigned and the duties that are expected of them. Each employee shall be given an introductory overview and "walk-about" of the office, its layout, available facilities and emergency procedures. The orientation process will include overview of specific work areas, equipment, general expectations, breaks, computer, e-mail, network access, website, bulletin boards and employee forms.

Training will be supplied by supervisors for those employees where there is a need or the position dictates. Once the supervisor is satisfied the new employee is fully conversant with the job position, he/she will be allowed to work independently.

### **INTRODUCTORY PERIOD**

The introductory period is regarded as an important part of the employment selection and examination process and is used for evaluating your work quality, attendance and other job related factors.

#### **A. GENERAL:**

All appointments, except temporary, emergency, intermittent, with the County shall be subject to the satisfactory completion of an introductory period. This applies also to subsequent appointments in connection with a promotion, reappointment, disciplinary demotion, certain types of reinstatement or transfer. The introductory period shall be considered an integral part of the selection process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, promoted, transferred, reappointed, applicable reinstated or demoted employee and for screening out any employee whose performance, conduct or work relations are not satisfactory. An employee who fails his/her introductory period may appeal the decision as outlined in the County's Grievance policy.

Successful completion of an introductory period in no way restricts the right of the County to separate any employee from County service at a later date for any reason provided by these Rules.

**B. LENGTH OF INTRODUCTORY PERIODS:**

Introductory periods for classified employees shall be six (6) months. However, the Department Head may extend an introductory period for up to an additional six (6) months.

An employee who leaves County employment while in an introductory status or for any other reason fails to complete an introductory period, and who returns to County employment, must complete a new introductory period as provided by these Rules.

**C. TYPES OF INTRODUCTORY PERIODS:**

1. Original introductory period appointment

a. All employees of the Departments of Aging and Adult Services, Behavioral Health/ Developmental Disabilities, the Office of Children and Youth, and Drug and Alcohol shall serve an original introductory period. Introductory period employees who successfully complete their introductory period shall be granted regular status upon approval of the Department Head.

b. An introductory employee may be suspended, demoted or separated from employment at any time during the introductory period may appeal the decision through the County's Grievance Policy.

c. If in the judgment of the appointing authority the employee does not meet the required performance standards, the appointing authority may either extend the introductory period, demote or separate the employee.

2. Promotion introductory period appointment:

a. An employee who is promoted shall serve an introductory period applicable to the position to which promoted.

b. The regular status of an employee shall not be affected by serving a promotion introductory period, and the employee shall be eligible for any other type of action during the promotion introductory period, unless otherwise established by law.

c. An employee who fails a promotion introductory period may be denied promotion, placed in a position of the former or a lower class, if available, through the appropriate competitive process or separated from employment.

3. Demotion introductory period:

a. An employee who receives a demotion shall serve a six (6) month demotion introductory period. An employee involuntarily demoted for a disciplinary or non-disciplinary reason, who fails a demotion introductory period, shall be separated from the position to which demoted and/or dismissed from employment.

b. The regular status of an employee shall not be affected by serving a demotion probationary period.

4. Transfer introductory period:

a. A transferred employee shall serve a six (6) month transfer introductory period.

b. The regular status of an employee shall not be affected by serving a transfer introductory period, and the employee shall be eligible for any other type of action during the introductory period, unless otherwise established by law.

c. An employee who fails a transfer introductory period may be placed in a position of the former or a lower class, if available, through the appropriate competitive process or separated from employment.

5. Reinstatement introductory period:

a. Reinstated employees shall serve probationary periods as follows:

An employee who was laid-off due to lack of work, reduction in force, administrative reorganization or other reasons beyond the control of the employee causing the abolishment of the position formerly held and who is reinstated shall serve a reinstatement introductory period as follow:

ii. An employee reinstated to the same position or classification as the positions previously held prior to reinstatement, shall not be required to serve an introductory period and will retain regular status upon reinstatement.

iii. An employee reinstated to a position with a different position or different classification than the position held prior to reinstatement, shall be required to serve an

introductory period applicable to the classification to which reinstated. Such employee shall not be granted regular status until completion of the applicable introductory period.

b. An employee who fails a reinstatement introductory period may be separated from employment as documented in probationary performance evaluations.

### **C. APPEAL RIGHTS FOR INTRODUCTORY EMPLOYEES**

An introductory employee may grieve personnel action that the introductory employee believes to be based on or motivated by non-merit factors, i.e. Discriminatory action. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position. It is not sufficient for the employee to claim that they were treated unfairly. The introductory employee must allege specific facts which would support a conclusion that the alleged unfair treatment was based on discrimination. These specific facts should include: 1) the acts complained of; 2) how those acts differ from the way the appointing authority dealt with others similarly situated; 3) when the acts occurred; and, 4) when and how the employee first became aware of the alleged unfair treatment based on discrimination. If the introductory employee fails to allege specific facts that support the alleged unfair treatment based on discrimination claim, then the request for an appeal hearing will be denied by the County due to an insufficient allegation of unfair treatment based on discriminatory action.

### **PERFORMANCE EVALUATIONS**

The objective of performance evaluations is to inform employees about how well they are fulfilling their duties and responsibilities. Performance evaluation is a continuous process that involves observation, discussion, written reports and review. The goal of performance evaluation also involves provision of support for the employee's continued professional development in order to enhance knowledge, skills and abilities required to fulfill job responsibilities. It is a function of every department head and supervisor to be aware of the level of performance of employees under their supervision. Employee performance records are maintained for all employees at the Department and in the office of Human Resources and can be viewed by current employees within 24 hours of receipt of written notice.

All employees will have their performance reviewed at the end of the introductory period, and thereafter, on an annual basis. This evaluation will offer constructive criticism on how the employee can improve his/her job performance and it will assist in making decisions concerning salary advancement, promotions, demotions, dismissals, order of layoff, order of re-employment, replacement and training needs. An employee's performance is evaluated on an ongoing basis. Performance counseling and written memorandums as well as formal Performance Improvement Plans may be utilized to assist employees in performing essential job functions at a satisfactory level. A formal evaluation will be completed annually following successful completion of the introductory period. Individual records and employment histories are maintained for all employees that are accurate and which are protected from unauthorized or inappropriate access.

Upon completion of the performance evaluation form, the supervisor should discuss the evaluation with the employee. The employee in turn will sign the evaluation form denoting that he/she has seen it and the outcome has been discussed with him/her.

Performance reviews are confidential and are available to be seen only by the employee involved, his/her supervisor, division head, and department director.

To be granted a right to a grievance based on a poor performance review, an employee must allege that the poor performance review was motivated by a non-merit factor, i.e. Discriminatory action. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position. It is not sufficient for the employee to claim that they received a poor performance review. The employee must allege specific facts which would support a conclusion that the poor performance review was based on discrimination. These specific facts should include: 1) the acts complained of; 2) how those acts differ from the way the appointing authority dealt with others similarly situated; 3) when the acts occurred; and, 4) when and how employee first became aware of the poor performance review based on discrimination. If the employee fails to allege specific facts that support the poor performance review based on discrimination claim, then the request for an appeal hearing will be denied by the County due to an insufficient allegation of poor performance review based on discriminatory action.

## **PROMOTION**

Insofar as practicable and consistent with the best interest of the County, and as determined by the Department Heads, vacancies may be filled by promotion from among those County employees who meet the minimum requirements for the higher class. Promotions are made on a competitive basis. Employees must formally apply for, and be selected to fill a vacant position. Employees may apply for any position for which they have the necessary background and experience. Applicants will be considered unless there has been any discipline within the last twelve (12) months. An employee who is not selected for a promotion may appeal in accordance with the County's Grievance and Appeal Policy.

To be granted a right to a grievance based on a failure to promote, an employee must allege that failure to promote was motivated by a non-merit factor, i.e. Discriminatory action. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position. It is not sufficient just to claim you were denied a promotion. The employee must allege specific facts which would support a conclusion that the failure to promote was based on discrimination. These specific facts should include: 1) the acts complained of; 2) how those acts differ from the way the appointing authority dealt with others similarly situated; 3) when the acts occurred; and, 4) when and how employee first became aware of the alleged denial of promotion based on discrimination. If the employee fails to allege specific facts that support the denial of promotion based on discrimination claim, then the request for an appeal hearing will be denied by the County due to an insufficient allegation of denial of promotion discrimination.

## **EMPLOYEE DEVELOPMENT AND TRAINING**

In cooperation with the County's management, the Department Heads are committed to fostering and promoting programs of employee development by providing training for the purpose of improving the quality of service rendered to the public and equipping employees with the skills and abilities needed for advancement in County service. Employees receive basic orientation and training as needed to maintain and improve job skills. Professional training and employee development opportunities are available in all departments. Department leadership will provide additional training as appropriate and necessary. These could include workshops facilitated by the County, external training courses or updated information and materials when they become available. All requests for educational or professional development opportunities shall be made in writing to the Director of Human Resources for approval. Department Leadership will identify and supply and/or facilitate organizational training for those employees where there is a need or the position dictates.

Montgomery County will utilize its annual performance reviews for the identification of organization training needs in conjunction with recommendations and feedback from agency supervisors.

## **PREPARATION OF JOB DESCRIPTION**

Every position in the County's Departments of Aging and Adult Services, Behavioral Health/ Developmental Disabilities, the Office of Children and Youth, and Drug and Alcohol is assigned to a job classification based on the duties and responsibilities of the position. Job descriptions are reviewed annually, distributed at time of hire and during performance reviews and are available upon request. In turn, each job classification is allocated to a salary schedule based on an evaluation of the duties and the prevailing wages paid by other employers, private and public, for comparable work. These classifications are developed by the Human Resources Department, in collaboration with Department Heads.

The official job descriptions which outline job responsibilities and minimum qualifications are on file in the Human Resources Office.

## **PREPARATION OF CLASSIFICATION PLAN**

After consulting with appointing powers affected, the Human Resources Director shall prepare a classification plan for all positions in the. The classification plan shall be developed and maintained so that all positions which are substantially similar in duties, responsibilities, and authority are included within the same class and that the same salary range may be made to apply with equity, under like working conditions, to all positions in the same class.

The classification plan shall consist of a list of titles of the classes to which all positions are to be allocated and a written specification defining each class.

The class specification shall include the class title, a summary statement of duties and responsibilities, minimum or desirable qualifications for appointment and may include such other

pertinent material as the Human Resources Director and the applicable Department Head may deem desirable.

### **PREPARATION OF COMPENSATION PLAN**

The County's pay plan consists of a series of pay ranges. Each job classification within the County is assigned to one of these ranges based on job duties and responsibilities. Each position in County government is assigned to a salary range in accordance with the class specification for the position, which describes the typical and significant duties of a class, as well as the minimum qualifications.

The Human Resources Director shall prepare a compensation plan for all classes of positions in the classified service, showing in a systematic manner the minimum, intermediate, and maximum rates of pay for each class.

Each position within a job classification will vary, based on the needs of the individual County department.

The Human Resources Director shall have the responsibility for day-to-day administration of the pay plan, to include confirming that all hiring rates, salary adjustments, and other payroll changes are in accordance with these policies.

The Commissioners, along with the County Controller, form the Salary Board. The Salary Board has responsibility for personnel transactions in regard to pay. The Salary Board's duty is to fix the number and compensation of employees.

### **NEW APPOINTMENT STARTING RATES**

All persons in the Montgomery County Merit Hire System shall be employed and paid in accordance with the rates established in the pay plan for the classification to which the appointment is made.

Dependent upon their training, experience or other qualifications, new appointees shall be hired within the normal hiring pay range.

### **MERIT INCREASES**

In accordance with County guidelines, supervisors will recommend: a) whether an employee should receive any merit increase based on his or her annual performance review and b) the amount of increase appropriate for the performance results.

The following factors are the basis for awarding merit pay to employees:

- The employee's performance as reported in the annual performance review.
- The appropriate pay level within the range for the employee considering the employee's performance and performance of others in the range.
- Pay increase funds available.



- Recommendations of supervisors.

Merit increases require the recommendation of the employee's Department Head and the approval of the Director of Human Resource.

The Department Head shall seek approval from the Salary Board for the merit increase and will inform the Board of the general merit-based factors that were considered in recommending the merit increase.

### **PAY UPON PROMOTION**

Upon promotion, a fully qualified employee shall have his/her salary increased to at least the minimum of the normal hiring pay range of the classification to which the promotion is made. In no event will the adjustment result in pay above the maximum pay range.

### **PAY UPON DEMOTION**

1. Upon voluntary demotion, an employee's pay may be adjusted by the difference between the minimum salaries of the pay grades. If no adjustment occurs, the employee shall not be eligible for an increase if subsequently promoted or reclassified to a classification comparable to the prior classification from which he/she was demoted.

2. Upon involuntary demotion for cause, an employee's pay shall be reduced as appropriate to the circumstances and may include a reduction in job classification.

### **DEMOTION DEFINED**

Involuntary Demotion - The movement of a merit system employee from the currently occupied pay grade or rank to a lower pay grade or rank.

Voluntary Demotion - When a merit system employee requests a transfer to and accepts a position within the merit system at a lower pay grade or rank than the position the employee currently occupies.

An employee may receive an involuntary demotion which could result in a lower pay grade and not necessarily a change in job classification if that employee is above the minimum pay grade. If an employee is at the minimum pay grade and is involuntarily demoted, that demotion will result in a reduction in job classification.

### **BASE PAY INCREASES**

The Board of County Commissioners may award annual base pay increases to all

non-represented employees.

## **MONTGOMERY COUNTY'S HUMAN SERVICES GRIEVANCE PROCEDURE**

The County is committed to the fair and honest treatment of employees and resolution of areas of conflict in every respect. Each employee is encouraged to first discuss any problem regarding conditions of employment with their immediate supervisor. The County is committed to providing a prompt and efficient procedure for fair and equitable resolutions. If the problem is not resolved to the employee's satisfaction, a grievance may be filed by following the procedure outlined below. The County's grievance procedure will be made available on the County's intranet website at [intraweb.montco.montcopa.org](http://intraweb.montco.montcopa.org). A grievance form may be obtained from the Human Resources Department or the County's intranet website.

If any employee is terminated, and if they are eligible to participate in the grievance procedure, they will be advised of their appeal rights as set forth in the Montgomery County Merit System Handbook.

### **A. Definition of Grievance**

A grievance is a complaint resulting from the misapplication or misrepresentation of a policy or procedure with respect to the terms or conditions of employment including the application process. It is an informal process and neither party will have outside representation.

#### 1. Who May file a Grievance:

This grievance procedure applies to applicants, introductory employees and employees who have successfully completed the introductory period in the Departments of Aging and Adult Services; Behavioral Health/ Developmental Disabilities; Children and Youth; and Drug and Alcohol. An applicant or employee with a question about the applicability of this procedure should contact the Department of Human Resources. Human Services' Department Heads are exempt from this procedure.

##### a. Applicants

Applicants for positions in the Departments of Aging and Adult Services; Behavioral Health/ Developmental Disabilities; Children and Youth; and Drug and Alcohol who are subject to non-selection which they believe to be discriminatory may avail themselves of the grievance procedure beginning at Step III.

Notice of an applicant's intent to pursue the grievance procedure must be provided, in writing to the Human Resources Department within five (5) business days of the time the applicant knows, or should have known, of an action or issue that can be raised through the grievance procedure. Forms may be found in the Montgomery County Department of Human Resources.

#### 2. What Issues May be Grieved:

Employees have the explicit right to pursue a grievance with respect to any of the following employment actions: involuntary demotion, suspension, poor performance evaluation, furlough from employment, reduction in pay, and non-selection and discharge believed to be discriminatory. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position (i.e., any non-merit factor).

An employee may grieve a personnel action that the employee believes to be based on or motivated by non-merit factors, i.e. Discriminatory action. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position. It is not sufficient for the employee to claim that they were treated unfairly. The employee must allege specific facts which would support a conclusion that the alleged unfair treatment was based on discrimination. These specific facts should include: 1) the acts complained of; 2) how those acts differ from the way the appointing authority dealt with others similarly situated; 3) when the acts occurred; and, 4) when and how the employee first became aware of the alleged unfair treatment based on discrimination. If the employee fails to allege specific facts that support the alleged unfair treatment based on discrimination claim, then the request for an appeal hearing will be denied by the County due to an insufficient allegation of unfair treatment based on discriminatory action.

The grievance procedure is not to be used to resolve disputes resulting from internal investigations.

## **B. Procedural Steps of the Grievance Process**

### 1. Step I – Supervisor Review

The employee will, within **five (5)** working days of the incident giving rise to the grievance, present the grievance **in writing** to the immediate supervisor. The supervisor has ten (10) working days in which to reach a decision and reply in writing to the employee along with instruction on Step II. The Supervisor's response shall include notice of the employee's right to appeal the dispute to the next step in the process.

### 2. Step II – Department Head Review

If the decision of the immediate supervisor is not satisfactory to the employee, the factual details of the complaint or grievance will be submitted in writing, within **ten (10)** working days of the supervisor's decision, to the Department Head. That person, within ten (10) working days, will meet with and discuss the grievance with the employee. The Department Head has ten (10) working days from the date of the meeting to reach a decision and reply in writing to the employee along with instructions on Step III. The Department Head's response shall include notice of the employee's right to appeal the dispute to the next step in the process.

### 3. Step III – Director of Human Resources Review

In the event the decision of the Department Head does not satisfy the grievance of the employee, the employee may, within **five (5)** working days of the date of the written decision of the Department Head, request **in writing** a review of the grievance by the Director of Human Resources. The Director of Human Resources, will meet and discuss the grievance with the employee within fifteen (15) working days of the request. The Director of Human Resources' response shall include notice of the employee's right to appeal the dispute to the next step in the process.

The Director of Human Resources will reply in writing to the employee within **thirty (30)** working days of the meeting. If the Director of Human Resources requires additional time to respond, the employee will be notified in writing along with instructions in Step IV.

4. Step IV - The Chief Operating Officer

In the event the decision of the Director of Human Resources does not satisfy the grievance of the employee, the employee may, within **five (5)** working days of the date of the written decision of the Director of Human Resources, request **in writing** a review of the grievance by the Chief Operating Officer, Lauren Lambrugo. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the third step response is unsatisfactory if applicable, and the remedy requested.

The Chief Operating Officer, or Deputy Chief Operating Officer, will review the appeal. The Chief Operating Officer, or Deputy Chief Operating Officer, will, in writing, grant, deny, or propose a modification of the requested remedy. The Chief Operating Officer, or Deputy Chief Operating Officer, will reply in writing to the employee within **thirty (30)** working days of the Step 4 grievance request. If the Chief Operating Officer, or Deputy Chief Operating Officer, requires additional time to respond, the employee will be notified in writing. The COO's response shall include notice of the employee's right to appeal the dispute to the next step in the process.

Should the Chief Operating Officer, or Deputy Chief Operating Officer, determine that the employee did not follow the time limits and/ or procedural steps of the grievance procedure, the Chief Operating Officer, Deputy Chief Operating Officer, will notify the employee, in writing, of the administrative faults. Any administrative faults caused by the employee shall render the appeal null and void.

5. Step V- Neutral Review

- a. If the decision of the Chief Operating Officer is not satisfactory the employee may appeal the dispute to the fifth and final step. This appeal must be submitted **in writing** to the Director of Human Resources within **ten (10)** business days of receipt of the fourth step

response. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the fourth step response is unsatisfactory, and the remedy requested. Copies of the fourth step correspondence must be included.

- b. Upon receiving the appeal and determining that the appeal was made timely, the Deputy COO, or their designee, shall appoint a panel of 3 neutral referee's independent of the County with staggered term limits to include one panel member serving for a 2 year term, and the additional panel members serving for a term of three years. Panel members can be reappointed after their term has expired. The panel will be made up of three (3) politically, racially and sexually diverse volunteers from the HR professional community, one (1) from private industry, one (1) from a educational institution and one (1) from the public sector and not affiliated or under the employ of the County of Montgomery. If the panel has a particular conflict with an appeal issue; he or she must declare this conflict to the County Commissioners and another panel member shall be appointed.
- c. The panel shall conduct a hearing on the complaint and will provide the opportunity for all parties involved to provide information relevant to the matter in dispute. A transcription of the review proceedings can be made available at a cost to the grievant. The panel shall render a binding decision in writing to the County Commissioners and the grievant within **thirty (30)** business days of the hearing. The County Commissioners will have no input or influence on panel decisions. The Commissioners may not remove a panel member strictly because of a decision disagreement. The appeal cannot be stopped for any reason at any time except by the grievant. On the day the findings and decision of the Neutral Referee are certified to the Commissioners, a duplicate copy shall be mailed to the grievant by ordinary U.S. mail, postage prepaid, to the address furnished in the appeal or stated by grievant of record at the hearing. Montgomery County will provide a copy a copy of each appeal and of the Neutral Referees written decision to the Department of Public Welfare's County Programs Section.

### **MONTGOMERY COUNTY'S HUMAN SERVICES FURLOUGH PROCEDURE**

The Department Head may separate any employee without prejudice whenever necessary because of curtailment of work, lack of funds, or re-allocation of position. The furloughing of permanent employees should be based upon systematic consideration of type of appointments, efficiency and length of service, of all employees serving in the effected class. The order of furlough shall be: temporary employees, provisional employees, probationary employees, and permanent employees.

In the case of permanent employees, furloughs will be determined in the following numerical sequence:

- (1) Those who are eligible and desire to accept pensions will be furloughed first.
- (2) Ranking of County Performance Evaluations - When a furlough is necessary, the current annual performance evaluation (within one year of furlough date) or probationary performance evaluations, as applicable, of regular employees in the same job classification will be ranked.

The County's Performance Evaluations use a numerical evaluation system in a descending order: 5, 4, 3, 2, 1, in each category being evaluated. All categories will be totaled and an employee will receive a final numerical score. The Employee with the highest total score will be ranked number 1. The employee with the lowest score will be ranked last. Furloughs will be implemented using the lowest ranking scores in ascending order.

(3) Seniority - Should two employees have the same ranking, seniority will be used to break the tie. Seniority for this purpose shall be the length of continuous service within the department, provided there has been no break in service.

#### *Recall from Furlough*

Full-time Employees who have been furloughed shall be placed on a recall list for a period of one year. If there is a recall to work within such one year period, Full-time Employees who are on the recall list shall be recalled to return to work in the inverse order of their furlough.

#### *Furlough Grievance Procedure*

To be granted a right to a grievance based on a furlough from employment, an employee must allege that the furlough was motivated by a non-merit factor, i.e. Discriminatory action. Discriminatory action is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position. It is not sufficient just to claim you were furloughed. The employee must allege specific facts which would support a conclusion that the furlough was based on discrimination. These specific facts should include: 1) the acts complained of; 2) how those acts differ from the way the appointing authority dealt with others similarly situated; 3) when the acts occurred; and, 4) when and how employee first became aware of the furlough based on discrimination. If the employee fails to allege specific facts that support the furlough based on discrimination claim, then the request for an appeal hearing will be denied by the County due to an insufficient allegation of furlough based on discriminatory action.

### **POLITICAL ACTIVITY**

This Employee Political Activity Policy is intended to set forth, and govern, the political activity of all individuals employed by Montgomery County. All employees receive the Political Activity Policy in the Employee Handbook. The Policy is also accessible via the County's intranet system at [intraweb.montco.montcopa.org](http://intraweb.montco.montcopa.org). The Employee Political Activity Policy will be redistributed to Merit Hire System employees on an annual basis by email or newsletter.

- A. Employees of the County may participate in an individual capacity in political activities (such as campaigning, solicitation, fundraising, canvassing or poll watching) on their own personal time (personal time may not include any time during an employee's working hours, including, but not limited to compensatory time provided by the County), but only to the extent that such participation does not conflict or interfere with the performance of his/her duties and provided that such participation does not conflict with any applicable law, statute, regulation,

management directive or other order. However, to the extent a County employee participates in any form of political activity on their own personal time, such employee shall not use their County title or identification in connection with such activities.

- B.** Employees of the County are prohibited from participating in any political activities during the employee's working hours, and are prohibited from using County supplies, stationary, equipment, uniforms, and all other County resources in connection with any political activity. Moreover, County employees are prohibited from using any information obtained by them as a result of their employment with the County in connection with any political activity.
- C.** Employees of the County are prohibited from participating in any political activities on any property owned or leased by Montgomery County, except for those areas which are considered public spaces and which are generally open to members of the public.
- D.** No employee shall solicit or be solicited for political contributions as a condition of employment or with the intent of receiving a personal favor or other benefit related to their County employment.
- E.** An employee of the County who is a candidate for any public office to which remuneration is or is not attached must notify the Commissioners, the Chief Operating Officer, their immediate supervisor and the County Solicitor of same in writing at least two business days before any general public announcement of the candidacy or the filing of appropriate documents, whichever is earlier.
- F.** An employee of the County may not accept appointment to another governmental position without first notifying the Commissioners, the Chief Operating Officer and the County Solicitor of same in writing at least two business days before any general public announcement of the appointment. Included in these positions are appointments to state and local offices which may have no set term and which are uncompensated and advisory, but which are nonetheless charged with a governmental purpose.
- G.** No employee at any time shall be compelled, whether directly or indirectly, to perform political activity of any kind.
- H.** An employee of the County may participate in charitable, religious and any other public service volunteer work without limitation, subject to the other requirements of this Code.
- I.** No employee may be given a benefit in his/her job in exchange for the performance of a political task.

## **FEDERAL HATCH ACT**

Political activity of state employees is controlled by the Federal Hatch Act. During those hours of the day when you are required to conduct the business of the state, you may not actively engage in a political campaign on behalf of any party, committee, organization, agency, or political candidate; or attend political meetings or rallies; or otherwise, use your official position or employment to interfere with or affect the result of any regular or special election; or perform political duties or functions not directly a part of your employment.

### **INDIVIDUAL RECORDS AND EMPLOYMENT HISTORY RECORDS**

All personnel records of employees, both past and present, are the property of the County. Only the Human Resources Director and the Assistant Human Resources Director have access to personnel records. Personnel records are stored electronically.