

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

Legislative Session \_\_\_\_\_ 1991 \_\_\_\_\_

Bill No. \_\_\_\_\_ CB-92-1991 \_\_\_\_\_

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Wineland

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

AN ACT concerning

Classified Service Position Control

FOR the purpose of establishing position control over classified service positions by providing that the Classification Plan shall include the number of positions authorized for each department or agency and that no classification action by the Personnel Officer shall be taken that is inconsistent with the number of positions authorized in the Classification Plan.

BY repealing and reenacting with amendments:

SUBTITLE 16. PERSONNEL.

Sections 16-102,

16-115,

16-116, and

16-122,

The Prince George's County Code  
(1987 Edition, 1990 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 16-102, 16-115, 16-116 and 16-122 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 16. PERSONNEL.**

**DIVISION 1. GENERAL PROVISIONS.**

**Sec. 16-102. Definitions.**

(a) For purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this Section, except where the context clearly requires otherwise:

\* \* \* \* \*

(13) Classification Plan means a law setting forth, by schematic listings, each established class of work in the classified and exempt services, the number of authorized positions in each class for each department or agency, and the grade[, except as otherwise provided by law,] assigned to each class of work. As defined herein, the term "Classification Plan" shall not be construed to include any position governed by an approved Executive Pay Plan or any elective position otherwise established by County Charter or State statute.

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**SUBTITLE 16. PERSONNEL.**

**DIVISION 3. CLASSIFICATION.**

**Sec. 16-115. Classification policy.**

(a) The Personnel Officer shall be responsible for developing

and maintaining a classification system for all positions in the classified service.

(b) The Personnel Officer shall develop and maintain said classification system in accordance with the following requirements:

(1) that the same grade be applied to and the same qualification requirements be consistently required for, all positions in the same class of work based upon the similarity of assigned duties, tasks, and responsibilities; and,

(2) that the same standards be developed and applied in the review of all positions and classes of work for purposes of all allocation, reallocations, and proposed classifications and reclassifications.

(c) The Personnel Officer shall submit to the County Council for its approval by legislative act a Classification Plan which identifies the number of authorized positions in each class for each department or agency of the County. No position in excess of the number authorized in the Classification Plan shall be filled on either a temporary or permanent basis. The Classification Plan shall be submitted by the Personnel Officer at least once each year on or before June 30.

**Sec. 16-116. Administration of the classification system.**

(a) The Personnel Officer is hereby assigned the responsibilities and duties stipulated in Subsection (b) below to insure that the basic principles of the County's classification system, as set forth in Section 16-115 above, are properly and effectively executed on a continual basis.

(b) The duties and responsibilities of the Personnel Officer

with respect to the administration of the County's classification system shall be as follows:

(1) upon the written request of the appropriate appointing authority, to allocate each [authorized] position authorized in the Classification Plan to the appropriate class of work, if such class had been established in the Classification Plan, based upon the findings of an appropriate review of each such authorized position;

(2) upon the written request of the appropriate appointing authority, to reallocate an authorized position to another class of work with a higher grade based upon the findings of an appropriate review of any such position and subject to the following further conditions:

\* \* \* \* \*

(iii) the reallocation of an incumbered position shall not be authorized by the Personnel Officer where the Personnel Officer finds that:

(1) the incumbent of the position does not meet the qualification requirements applicable to the class to which the reallocation is proposed; [and/] or,

(2) the proposed reallocation represents an unreasonable selection of one (1) position from among several positions within the same class of work solely as a means to noncompetitively promote the incumbent of such selected position and thereby circumvent an otherwise properly conducted competitive promotional examination; or,

(3) the proposed reallocation would exceed the

number of positions authorized in the Classification Plan for the department or agency;

\* \* \* \* \*

(11) to recommend to the County Executive for transmittal to the County Council in accordance with the procedures stipulated in Section 16-125, proposed amendments to the Classification Plan in order to amend the number of authorized positions and to effectuate classification and reclassification actions determined to be necessary as a result of any review of a position, a representative group of positions, or class of work, where any such review has been conducted pursuant to the preceding subparagraphs of this Section;

\* \* \* \* \*

(c) Exceptions for Reallocations Upward

(1) Whenever the Personnel Officer conducts a review of an incumbered position or positions pursuant to any of the provisions of Subsection (b) of this Section and, on the basis of the findings set forth in the written report required to be issued as a result thereof recommends, in writing, to the appointing authority in interest that said appointing authority initiate an appropriate request or requests to effectuate the reallocation of said position or positions to classes of work with higher grades, the appointing authority shall file a written statement with the Personnel Officer in the event that the appointing authority does not intend to initiate the reallocation request or requests as recommended by the Personnel Officer. Said written statement by the appointing authority shall set forth the reason or reasons supporting the appointing authority's intended inaction and shall be

filed with the Personnel Officer no later than ten (10) working days after the date the appointing authority receives the written recommendation of the Personnel Officer in relation thereto.

(2) Notwithstanding the provisions of paragraph (b) (2) of this Section, the Personnel Officer shall be authorized to reallocate the incumbered position or positions, to the extent that such positions do not exceed the number of such positions authorized in the Classification Plan, for which the written recommendations was issued to the appointing authority in interest without receiving a written request therefor from the appointing authority in interest, if:

(i) the appointing authority in interest does not file the written statement within time period specified under paragraph (c) (1) above; or,

(ii) the Personnel Officer finds that the reasons set forth in the written statement filed by the appointing authority in interest are arbitrary and capricious, or are based on discrimination, as defined in Section 16-102(a) (18).

(3) Whenever the Personnel Officer finds that the written statement filed by the appointing authority in interest, as required under paragraph (c) (1) above, sets forth reasons which are not arbitrary and capricious, or are not based on discrimination, as defined in Section 16-102(a) (18), the appointing authority in interest shall cease the assignments of the higher level duties, tasks, and responsibilities to the incumbered positions for which the written recommendation was issued by the Personnel Officer, unless the incumbent or incumbents consent to the continuance of

such higher level duties.

**Sec. 16-122. Classification upon mass transfer.**

(a) Whenever a position or a group of positions is converted or made part of the County's personnel system under the terms of a State or County law or a governmental proposal issued and approved in accordance with the provisions of Section 503 of Article V of County Charter, the status of the affected incumbent or incumbents and the classification of the position or positions into classes of work within the classified or exempt services, shall be governed and determined by the specific provisions of the law in relation thereto.

(b) In the event that the law mandating the conversion of incumbents and positions into the County's personnel system makes no specific provision governing the incumbents' status and the classification of their positions, said incumbents' positions shall be transferred to the applicable agency, department, or office and, thereafter, allocated by the Personnel Officer to comparable classes of work in the classified or exempt service, as the case may be. The number of authorized positions in the Classification Plan shall be deemed amended in accordance with the transfer.

SECTION 2. BE IT FURTHER ENACTED that no appointment, reinstatement, reassignment, transfer, reemployment, demotion, promotion or reappointment shall be made prior to the time that the Classification Plan required to be approved by legislative act is approved by the County Council.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.



Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Maurene W. Epps  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Parris N. Glendening  
County Executive

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.