

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2000 Legislative Session**

Bill No. CB-18-2000  
 Chapter No. 22  
 Proposed and Presented by Council Members Russell, Scott and Hendershot  
 Introduced by Council Members Russell, Scott and Hendershot  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction April 18, 2000

**BILL**

1 AN ACT concerning

2 Reductions-in-force

3 For the purpose of amending the method of calculating retention points and deleting certain  
 4 redundant language.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 16. PERSONNEL.

7 Section 16-188,

8 The Prince George's County Code

9 (1999 Edition)

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 11 Maryland, that Section 16-188 of the Prince George's County Code be and the same is hereby  
 12 repealed and reenacted with the following amendments:

13 SUBTITLE 16. PERSONNEL.

14 DIVISION 12. NONDISCIPLINARY SEPARATIONS.

15 **Sec. 16-188. Separation -- reduction-in-force.**

16 (a) A duly authorized and allocated classified service position or positions may only be  
 17 abolished under one (1) of the following sets of circumstances:

18 (1) Where the County Executive, pursuant to Section 822 of Article VIII of County  
 19 Charter, revises a department or agency work program by reducing the expenditure level of such  
 20 department or agency due to an ascertained shortfall in revenue during any fiscal year and a

1 reduction in the number of allocated positions within said department or agency is necessary in  
2 order to satisfy such reduction in the departmental or agency expenditure level;

3 (2) Where the Classification Plan is amended through classification action[, as  
4 defined in Section 16-102(a)(12),] by abolishing an established class of work and, by virtue of  
5 the provisions of Section 16-177, the abolition of all positions allocated to said class of work;

6 (3) Where a legislative act, or an executive order issued and approved pursuant to  
7 Section 503 of Article V of County Charter, abolishes a department, agency, or office, or any  
8 division or other portion thereof, and there is no provision set forth in such legislative act or  
9 executive order governing and effectuating the transfer of employees, positions, and funds from  
10 such department, agency or office, or division or other portion thereof;

11 (4) Where a reduction in the compensation level of a department, agency, or office is  
12 effectuated in the County's approved, annual expense budget;

13 (5) Where an appointing authority requests that a position or positions under the  
14 appointing authority's jurisdiction be abolished during any fiscal year and the Personnel Officer  
15 authorizes such request in accordance with the provisions of Section 16-116(b)(4); or,

16 (6) Where the County Executive, pursuant to Section 822 of Article VIII of County  
17 Charter, revises a department or agency work program by reducing or abolishing a unique  
18 service or function.

19 (b) Whenever a position or a group of positions is scheduled to be abolished under any one  
20 (1) of the sets of circumstances described in Subsection (a), above, the Personnel Officer shall  
21 implement the following procedures prior to initiating any final action to separate any employee  
22 under a separation -- reduction-in-force action:

23 (1) The Personnel Officer shall suspend the filling of any vacant position within the  
24 classes of work to be affected by the scheduled reduction-in-force action, and may, in his  
25 discretion, suspend all lower graded classes within all class series of which said affected classes  
26 are a part, by any of the methods authorized under Sections 16-147 and 16-148, from the date the  
27 Personnel Officer is advised of the scheduled abolition of the position or group of positions until  
28 the effective date of the separation of an employee or employees under the separation --  
29 reduction-in-force action.

30 (2) Whenever any one (1) of the sets of circumstances cited in Subsection (a), above,  
31 with respect to the abolition of a position or a group of positions is not specific as to the class or

1 classes of work affected and/or the number of positions to be abolished, the Personnel Officer  
 2 shall request the appropriate appointing authority or appointing authorities, as the case may be, to  
 3 supply the Personnel Officer with a written statement setting forth each class of work to be  
 4 affected by the separation -- reduction-in-force action and the number of positions to be  
 5 abolished within each such class. The written statements by appointing authorities with respect  
 6 to the number of positions to be abolished within their departments, agencies, or offices and the  
 7 classes of work so affected, as required in the preceding sentence, shall be made at the sole  
 8 discretion of such appointing authorities and shall be binding upon the Personnel Officer for  
 9 purposes of any separation -- reduction-in-force action taken by the Personnel Officer thereafter.

10 (3) The Personnel Officer shall develop a retention register[, as defined in Section 16-  
 11 102(a)(52),] for each class of work within which a position or a group of positions is scheduled  
 12 to be abolished.

13 (4) With respect to any retention register developed for a single class of work, the  
 14 Personnel Officer shall place the names of all employees occupying positions in each such class  
 15 of work within the department, agency, or office (highest organizational unit or entity) within  
 16 which the position or group of positions is scheduled to be abolished into priority categories on  
 17 each such register as follows:

18 (A) All permanent status employees shall be placed in the first priority category;  
 19 (B) All probationary status employees, all limited-term status employees, and  
 20 any employee that receives an aggregate performance rating equivalent to "less than satisfactory"  
 21 during the official annual performance ratings period preceding the reduction-in-force shall be  
 22 placed in the second priority category; and,

23 (C) All exempt status employees occupying classified service positions under  
 24 the terms of temporary/provisional and temporary/emergency appointments shall be placed in the  
 25 third priority category.

26 (5) The Personnel Officer shall compute a retention points score[, as defined in  
 27 Section 16-102(a)(51),] for each permanent status employee whose name appears in any class of  
 28 work on a retention register. The retention points score for each such employee shall be equal to  
 29 the product of the sum of the points per month granted for the total months of [continuous]  
 30 service in any classified service position multiplied by the quotient of the sum of the points  
 31 granted for the official annual performance ratings received for the preceding three (3) years

divided by the sum of the number of such official performance ratings, [and the total retention point score multiplied by 1.15 for County residents] where:

(A) Each such employee shall be granted [one (1) point] points for each month or part thereof of [continuous] classified service in any classified service position, as follows:

<u>up to 24 months</u>	<u>1 point</u>
<u>25 to 60 months</u>	<u>1.5 points</u>
<u>61 months or more</u>	<u>2 points</u>

provided, however, that no points shall be granted for any month of service in a classified service position for which an employee receives a retirement payment;

(B) Each such employee shall be granted three (3) points for any official annual performance rating equivalent to "outstanding;" two (2) points for any official performance rating equivalent to "exceeds satisfactory;" one (1) point for any official performance rating equivalent to "satisfactory;" and a point value of zero (0) for any official performance rating equivalent to "less than satisfactory;" provided, however, that:

(i) Where any such employee, upon initial appointment, has completed the required probationary period but has yet to receive the first official performance evaluation at the time of the scheduled abolition of a position or positions giving rise to the reduction-in-force action, then, and in such event, the official probationary performance rating shall be utilized for purposes of computing the quotient of performance evaluation points, as provided above; and,

(ii) Where any such employee's official performance rating for any year, or any such employee's probationary performance evaluation, where applicable, is absent from the employee's official personnel file, as certified to in writing by the Personnel Officer, or where any such employee has initiated a grievance under the provisions of Section 16-200 with respect to the employee's official, probationary performance rating, where applicable, or the employee's latest, official performance rating, and said grievance is pending unresolved at the time of the scheduled abolition of a position or positions giving rise to the reduction-in-force action, then, and in such event, the Personnel Officer shall exclude any such performance rating for purposes of computing the quotient of performance evaluation points, as provided above.

(6) The Personnel Officer shall arrange the names of all permanent status employees within the first priority category within each class of work on any retention register in

1 descending order with the name or names of the employee or employees with the highest  
2 retention points score placed at the top of each such priority category.

3 (c) Upon the development of any retention register in accordance with the procedures  
4 stipulated in Subsection (b), above, the Personnel Officer shall adhere to the following retention  
5 schedule for purposes of separating employees whose names appear within each class of work on  
6 such retention register wherein a position or a group of positions has been scheduled to be  
7 abolished:

8 (1) All exempt status employees whose names appear in the third priority category  
9 within each such affected class of work on such retention register, as provided in paragraph  
10 (b)(4)(C), above, shall be separated from their class of work prior to the separation of any  
11 employee whose name appears in the second or first priority categories within the same class of  
12 work on such retention register. It shall be the sole discretion of the appointing authority to  
13 determine which employees in the third priority category are to be separated from their class of  
14 work.

15 (2) All limited-term employees, probationary status employees, and any employee  
16 receiving an aggregate official annual performance rating of "less than satisfactory" for the  
17 period preceding the reduction-in-force will appear in the second priority category within each  
18 such affected class of work on such retention register, as provided in paragraph (b)(4)(B), above,  
19 and shall be separated from their class of work prior to the separation of any employee whose  
20 name appears in the first priority category with the same class of work on any such register. It  
21 shall be the sole discretion of the appointing authority to determine which employees in the  
22 second priority category are to be separated from their class of work.

23 (3) All permanent status employees whose names appear in the first priority category  
24 within each such affected class of work on such retention register, as provided in paragraph  
25 (b)(4)(A), above, shall be the last category of employees to be separated from their class of work.  
26 The separation of permanent status employees shall be effectuated in inverse order to the  
27 standing of such employees within the first priority category in the same class of work on such  
28 retention register. Where any permanent status employees within the first priority category in  
29 the same class of work have the same retention points score, it shall be the sole discretion of the  
30 appointing authority to determine which of the employees with the same retention points score  
31 are to be separated from their class of work. However, in any case where any such set of

1 employees with the same retention points score includes employees who are veterans, all  
2 nonveteran employees shall be separated by the appointing authority prior to the separation of  
3 any such veteran employees. For purposes of the preceding sentence of this subparagraph, a  
4 "veteran" shall mean any such employee who would qualify as a veteran under the provisions of  
5 Section 16-163(a)(1).

6 (d) Prior to the effective date of any separation -- reduction-in-force action, the Personnel  
7 Officer shall attempt to effectuate the reassignment, transfer, or demotion of employees whose  
8 positions are to be abolished into existing vacant positions in accordance with the provisions of  
9 Sections 16-148(a)(2), (3), (4), and (6).

10 (e) Any employee who is subject to a separation -- reduction-in-force action shall be given  
11 at least a fourteen (14) calendar day advance written notice thereof by the Personnel Officer.  
12 Each such notice shall state the reason or reasons for the separation -- reduction-in-force action  
13 and the effective date thereof; and, where the notice of separation is given to a permanent,  
14 probationary, or limited-term status employee occupying a position under the terms of a limited-  
15 term reassignment, transfer, or promotion, said notice shall also state any such employee's right  
16 to appeal such action in accordance with the procedures stipulated in Section 16-201.

17 (f) Any permanent status employee who is separated under a separation -- reduction-in-  
18 force action shall be entitled to have the employee's name placed on a reemployment priority  
19 register[, as defined in Section 16-102(a)(48),] and by virtue thereof, shall be entitled to be  
20 reemployed in certain vacant positions in accordance with the procedures stipulated in Section  
21 16-148(a)(5).

22 (g) Notwithstanding any provision in this Section to the contrary, whenever any  
23 department or agency contains a separate organizational unit which is funded solely from funds  
24 derived under the terms of Federal, State or other grant-in-aid program, such separate  
25 organizational unit shall be deemed a "department, agency, or office" for the purpose of effecting  
26 a reduction-in-force.

27 (h) Notwithstanding any provision of this Section to the contrary, whenever any  
28 department or agency can effectively demonstrate that a separate organizational unit or division  
29 exists to provide a unique service or function, with the approval of the Personnel Officer, that  
30 unit or division shall constitute a single "department, agency, or office" for purposes of effecting  
31 a reduction-in-force.

1       SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2       calendar days after it becomes law.

Adopted this 9th day of May, 2000.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dorothy F. Bailey  
Chair

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.