

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:

Responsible Office: Employee and Retiree Service Center

Wages and Salaries for Supporting Services Employees

I. PURPOSE

To establish procedures for revising the salary schedule for supporting services employees, for determining an employee's salary placement, and for approving and paying for overtime work.

II. BACKGROUND

All references to the negotiated agreement in this regulation can be found in the *Agreement Between the Service Employees International Union (SEIU) Local 500 and the Board of Education of Montgomery County*.

III. DEFINITIONS

- A. *Annual Merit Increment* is a one-step pay increase, not including longevity, granted annually until the top step of the employee's assigned pay grade is reached.
- B. *Call-Back* is reporting to work for an emergency, upon request by the appropriate official, at a time other than the employee's regularly scheduled hours and for a work period that is not contiguous to the regularly scheduled hours.
- C. *Conditional Employee* is as defined in the negotiated agreement.
- D. *Demotion* is an adverse action that results in movement of an employee from one position to another, with a different classification, less responsibility, and a lower pay grade.
- E. A *Designated Entry-level Step* is the pay grade at which a new employee begins, without credit for previous experience in the same type of position. The entry-level step is typically step 1, but may be adjusted by the Chief Operating Officer for a specified position, based on competitive market information.

- F. *Duty Days* are those days on which the employee is required to report for duty as determined by the school calendar, which is adopted annually by the Montgomery County Board of Education.
- G. *Overtime* — As defined by the Fair Labor Standards Act of 1938, as amended, and the negotiated agreement.
- H. *Permanent Employee* is an employee who has satisfactorily completed the required probationary period and is granted permanent status in a permanent or conditional position.
- I. A *Position* is an authorized job, including a set of duties and responsibilities, assigned a grade level based on the MCPS classification system in a specified unit and location, either on a full-time basis or for a lesser number of hours.
- J. *Probationary Period* is an initial period of employment in a position (normally six months) during which the employee is provided the opportunity to demonstrate qualifications for the position to which he or she is assigned.
- K. *Promotion* is the movement of an employee from one position to another, with a different classification, more responsibility, and a higher pay grade.
- L. *Reassignment* is the movement of an employee from one position to another, with the same or lower pay grade, but with a different position classification.
- M. *Reclassification* involves changing the title, pay grade, qualifications, or description of an existing position classification as a result of significant changes in duties and responsibilities that occur over time.
- N. *Salary Increment Date* (also called “anniversary date”) is the date when the employee moves from one step on the pay grade to the next.
- O. *Substitute Employee* is an individual employed during the absence of an employee assigned to a permanent, temporary, or conditional position.
- P. *Temporary Employee* is an individual employed in a temporary assignment, as defined in the negotiated agreement.
- Q. *Trainee* is an employee selected for a position despite lacking certain identifiable requisite knowledge, skills, or abilities to perform in the position at existing standards.

- R. *Transfer* is the movement of an employee from one position to another within the same position classification.

IV. PROCEDURES

A. Placement on the Salary Schedule

Unit members shall be compensated at the appropriate rate provided by the negotiated agreement for all authorized or approved time worked on official duties.

1. New Employee Assigned to a Permanent or Conditional Position

- a) The entry step of a position classification is normally step 1, but the chief operating officer may approve a higher entry step for a position classification. Salary placement for an employee new to the school system normally is the designated entry step of the pay grade established for the position to which the employee is assigned.
- b) Salary placement above the designated entry step may occur when there are insufficient qualified applicants available at the entry step. Placement above the entry step is determined by the following factors:
 - (1) Experience
 - (2) Rate of pay of current employees assigned to the same position classification
- c) Placement on the salary schedule not to exceed two steps above the designated entry step may be authorized by the director, Department of Recruitment and Staffing.
- d) Placement on the salary schedule more than two steps above the designated entry step requires the approval of the associate superintendent, Office of Human Resources, or his/her designee.

2. Assignment of Trainees

- a) New Employee

The initial salary placement for a new employee assigned as a trainee is determined as follows:

- (1) When training for a position that is grade 10 or above, the trainee salary placement is nine pay grades below the established position grade.
- (2) When training for a position that is grade 9 or below, the trainee salary placement is grade 1.

The within-grade step placement shall be at least two salary steps below the equivalent of the entry step of the established position grade. Within-grade placement is determined after consideration of job-related factors such as the following:

- (a) Amount and quality of related previous work experiences
 - (b) Related education and/or training completed
 - (c) Knowledge, ability, and skills attained
- (3) The director of the Department of Recruitment and Staffing submits a recommendation for the trainee's salary step assignment to the associate superintendent, Office of Human Resources, for approval or disapproval.
 - (4) Unrestricted step movement within the trainee grade will proceed based on the trainee's progress toward meeting the full qualifications of the position and upon the documented recommendation of the responsible director or associate superintendent. The associate superintendent, Office of Human Resources, approves or disapproves all trainee within-grade step movement. A trainee's salary, as a result of the initial salary placement or within-grade step movements, may not exceed a salary equivalent of two steps below the entry level of the established position grade.
 - (5) A merit increment date is assigned at the time of assignment as a trainee and each time a trainee within-grade advancement takes place, a new merit increment date is assigned. Upon completion of training, the employee is placed on the established position grade resulting in a two-step increase in pay or is placed on the entry step (whichever is greater) is

assigned a new merit increment date and begins a probationary period.

b) Current Employee

The following conditions apply to the current salary (not including longevity) of a Montgomery County Public Schools (MCPS) employee selected for a trainee assignment:

- (1) Less than the hourly rate of step 10, nine grades below the established grade of the position for which the employee is training, the employee's salary placement and within-grade movement are determined in accordance with the procedures in item a) above.
- (2) More than the hourly rate of step 10, nine grades below the established grade of the position for which the employee is training, the employee retains his or her current salary rate throughout the period of training.

Upon completion of training, the employee is placed on the established position grade with a normal pay increase resulting from promotion (see item 7 below) is assigned a new merit increment date and begins a probationary period.

3. Previous MCPS Employee

- a) Salary placement for a previous MCPS employee is determined by the grade of the position to which the employee is assigned.
- b) A former employee, upon reassignment to a permanent or conditional position in the same classification, shall be granted full credit for years of service with MCPS in determining salary schedule placement, if the following two conditions are met:
 - (1) The individual previously was employed for a minimum of five years.
 - (2) The individual is reemployed within a three-year period.

- c) The salary placement for a previous MCPS employee who is reemployed and does not meet the above criteria is determined in accordance with the procedures outlined in item IV.A.1 above.
- d) A returning MCPS employee who was not paid for accumulated sick leave at the time of termination (and is reemployed within three years) will have the previously accrued sick leave balance restored.
- e) A returning employee who had been paid for accumulated sick leave at the time of termination (and is reemployed within three years) may purchase the sick leave previously paid for at the rate of pay effective at time of reemployment, thereby restoring the sick leave to the employee's account.
- f) An employee who returns after three years from the date of termination is not eligible for restoration of previous sick leave balance.

4. Temporary Employee

A temporary or substitute employee is paid at the rate established for the position classification to which the employee is assigned. The employee is paid only for hours worked and is not eligible for employee benefits. Assignment above the entry step will be made only under the following circumstances:

- a) When there are insufficient qualified applicants available at the established rate, criteria contained in Section IV item A.1. above will be followed in determining rate placement.
- b) When a permanent or conditional 10-month employee is assigned temporarily during the summer or on other nonscheduled days, the regular assignment rate of pay will be retained, except in the following cases:
 - (1) Step 1 of the pay grade of the assigned position classification is higher than the employee's regular rate of pay. In such cases the employee will receive pay at step 1 of the assigned position classification.
 - (2) The employee's regular assignment rate of pay exceeds step 10 of the pay grade of the assigned position classification. In

such cases the employee will receive pay at step 10 of the pay grade of the assigned position classification and, if eligible, will receive full credit for longevity salary based on the grade of the temporary assignment.

Where possible, employees will be assigned to temporary positions of the same classification as their regular assignment.

5. Transferred Employee

The salary step and grade will remain the same when an employee is transferred from one position to another in the same classification. The salary increment date will not be changed and a probationary period will not be required.

6. Reassignment of an Employee

- a) An employee reassigned (at his or her own request or that of the administration) is placed on the pay grade of the assigned position. If the employee is reassigned to a position in the same pay grade, he or she will maintain the same pay step. If the employee is reassigned to a lower pay grade, he or she will be reduced the same number of steps as a promotion increase; if never promoted, he or she will be placed on the same step in the lower grade that equals the years of MCPS service.
- b) A time limit may be placed on the period of time an employee may remain in a lower pay grade without suffering a salary loss.
- c) The salary increment date will not be changed, and a probationary period will not be required, unless the performance of the employee warrants establishment of a new probationary period.
- d) A reassigned employee's performance will be evaluated in accordance with MCPS Regulation GJA-RA: Supporting Services Professional Growth System, unless a special performance evaluation is requested.
- e) The director of the Department of Recruitment and Staffing approves the reassignment of an employee.

7. Promoted Employee

The criteria listed below determine the salary step placement for an employee who is promoted. Salary placement for a promoted employee assigned as a trainee will be determined in accordance with the procedures outlined in item IV.A.2.b) above.

- a) A fully qualified unit member who is promoted to a higher grade position shall be assigned at the lowest step of such higher grade that exceeds his or her existing step by two steps; however, if there is no step in the higher grade that exceeds his or her existing step by two steps, the unit member will be placed at the top of the pay grade. The salary increment date is reset to one year from the date of the promotion.
- b) Effect on Shift Differential Pay—When an employee is promoted from or to a position with a shift differential, the step placement on the salary schedule is determined in accordance with item 7.a) above. Shift differential pay, if applicable in accordance with item IV.D. below, is added to the new rate of pay.
- c) Promotion Following a Reassignment to a Lower Position Classification—When an employee is reassigned without loss of pay to a position with a lower salary classification and is subsequently promoted, a pay increase will be effected only when the grade for the new position exceeds the grade of the position to which the employee was previously assigned.
- d) Temporary Promotion to Higher-Level Work

The assignment must be made in writing by the principal or appropriate director. The written notice of assignment must be forwarded by the principal or director within three days to the director of the Department of Recruitment and Staffing for approval. The director of the Department of Recruitment and Staffing will approve or disapprove the assignment within one week of receipt of notice and will notify the principal or director. If the assignment is disapproved, the employee will be notified by the principal or director and returned to regular assignment.

8. Demotion for Cause

The employee will be placed on the pay grade of the position to which he or she is assigned and a new probationary period will be assigned. The pay step will be determined as follows:

- a) If the employee served in the position classification immediately prior to promotion, placement will be made on the step the employee would have attained had there been no promotion, and the former merit increment date will be restored.
- b) If the employee has never served in a lower- level position, or if the employee is being assigned to a position lower than the one from which he or she was promoted, the employee will be placed on the step he or she would have attained had his or her service been continuous in the position to which he or she is demoted. The employee's merit increment date will be changed, if necessary, to reflect continuous employment in the position classification to which he or she is demoted.
- c) If the employee is being demoted to a position higher than the one from which promotion occurred, he or she will be placed on the step that would have been attained had the employee been promoted to that grade initially. The employee's merit increment date will not change.

9. Incumbent of a Position Reclassified to a Lower Grade

- a) Any unit member dissatisfied with an adverse reclassification that results in a pay reduction or downgrading may appeal directly to the chief operating officer, whose decision shall be final.
- b) A unit member assigned to a lower grade classification as a result of a reclassification will be placed on the lower pay grade without reduction in pay. When the same rate of pay does not exist in the lower pay grade, the unit member's hourly rate of pay will be red-circled, which will remain in effect for no more than three years from the effective date of the reclassification action. The unit member's anniversary date for step increases will not be affected.

- c) If at the end of three years from the effective date of the reclassification action the same rate of pay does not exist in the pay grade, the unit member will be placed at step 10 of the position classification assigned.

10. Incumbent of a Position Reclassified to a Higher Grade

An employee who is an incumbent of a position that has been reclassified to a higher pay grade will remain in the position unless he or she is not qualified for the reclassified position. The employee will be placed in a higher pay grade at the same rate of pay held in the lower pay grade if a matching rate exists. If not, the employee will be placed at the rate on the higher pay grade that most closely matches the lower pay grade rate, without a decrease in the rate of pay. A probationary period is not required.

If the employee does not meet the new qualification requirements of the reclassified position, the appropriate administrator may request that the employee be assigned as a trainee, transferred, or reassigned.

11. Incumbent of a Position That Is Abolished

An employee who is placed in a lower position classification because the position was abolished will be paid at the hourly rate of pay to which the employee was entitled on the last day of service in the abolished position. If that rate of pay is higher than that of the new position, the person's salary will be "frozen" and the employee will not be entitled to further salary increases until the rate of pay for the employee's new position exceeds the rate at which his or her salary was "frozen". If the employee's rate of pay is less than step 10 of the new position, placement may occur so the employee will receive cost-of-living adjustment and salary increment if eligible but may not exceed step 10. A supporting services employee who must be reassigned because positions have been abolished and who is placed in another position assumes the work schedule established for the new assignment (e.g., a 12-month employee placed in a 10-month position assumes 10-month status). If the employee is subsequently offered a higher-level position for which he or she is qualified, as determined by the director of the Department of Recruitment and Staffing, and the employee refuses the assignment, his or her rate of pay will then be handled under the provisions of A.6.a) of this regulation.

12. Employee Returning from Leave of Absence

The salary placement for an employee returning from a long-term leave of absence is determined in accordance with the provisions of the specific category of leave.

B. Annual Salary Increment

A permanent or conditional employee shall be eligible each year for a one-step salary increment. Such salary increments may be awarded annually until an employee reaches the top pay step (not including longevity) of the pay grade to which his/her position is assigned.

1. Eligibility

- a) Upon completion of one year of employment with MCPS and annually thereafter, permanent and conditional employees who have not reached the top pay step are eligible for consideration for a salary increment. In addition, an employee assigned as a trainee is also eligible.
- b) In unusual circumstances, the chief operating officer may approve a salary increment for a temporary employee filling a permanent position.

2. Creditable Service

Creditable service toward a salary increment includes the following:

- a) All satisfactory continuous employment in a permanent or conditional position.
- b) The period of satisfactory temporary service in a permanent position preceding appointment to a permanent position, in the same classification, without a break in service. (Intermittent periods of temporary service and service in positions with a classification other than the classification of the permanent position are not creditable service for the annual salary increment.)

3. Salary Increment Date

A salary increment date is established for each employee eligible for a salary increment. A salary increment date is the same as the employee's anniversary date (date of employment) and remains the same during the period of employment, unless changed in accordance with procedures outlined in item C.2. below.

4. Change of Salary Increment Date

- a) An employee's probationary period may be extended for extended absence.
- b) An employee completing assigned training is assigned a new salary increment date and begins a probationary period upon assignment to the pay grade of the position for which training has been completed.
- c) The salary increment date for an employee returning to service from approved leave without pay (excluding leave for military service, disability, or self-improvement), for a period exceeding 40 workdays, is adjusted in accordance with the number of months the employee was on authorized leave and a new salary increment date is assigned.
- d) Whenever a unit member is permanently assigned to a position that has a higher salary range than the one he or she holds, the effective date of the change shall become his or her new anniversary date.
- e) An employee demoted for cause is assigned a new salary increment date and begins a probationary period upon assignment to the lower-level position.
- f) The salary increment date for any employee may be changed and a new date assigned by the chief operating officer when deemed necessary.

C. Longevity Salary Increment

- 1. Longevity increases shall be provided on completion of service as provided in the negotiated agreement.

2. All periods of full-time MCPS employment in a nonsupporting services budgeted position are creditable service for computing longevity salary increments for a supporting services employee.
3. The following criteria are used in computing the total creditable MCPS service:
 - a) One year of service is credited for each full calendar or school year worked.
 - b) Work of less than a full calendar or school year is credited on the basis of the actual number of months worked.

D. Shift Assignment and Differential Pay

1. Shift differential pay means the amount paid over and above the basic hourly straight time rate, as provided in the negotiated agreement.
2. Change in Shift Assignment
 - a) Permanent Reassignment
 - (1) Authorization for the permanent reassignment of a Central Office employee from one shift to another is submitted by the appropriate deputy superintendent to the associate superintendent, Office of Human Resources.
 - (2) A request for the permanent reassignment of a school-based employee from one shift to another is initiated by the principal and submitted to the director of the appropriate operating division, including information concerning the financial and operational implications. The request is submitted to the responsible deputy superintendent and MCPS Form 447-6: *Position Action Request* is completed.
 - (3) Upon approval by the appropriate associate superintendent or deputy superintendent, the director of the Department of Recruitment and Staffing permanently assigns the employee from one shift to another.
 - (4) The employee's change in rate of shift differential pay will be effective on the date of permanent reassignment.

b) Temporary Reassignment

- (1) A temporary reassignment from one shift to another will normally not exceed 30 consecutive days. However, the reassignment, during the summer, of a building service worker from the night shift to the day shift is considered a temporary reassignment.
- (2) Authorization for temporary change of shift assignment is submitted to the Employee and Retiree Service Center for:
 - (a) Central Office employees by the appropriate deputy superintendent
 - (b) School-based employees by the Department of Recruitment and Staffing, upon the recommendation of the principal and the appropriate operating division director
- (3) An employee temporarily reassigned from one shift to another with a lower rate of differential pay will retain his or her current rate of differential pay.
- (4) An employee temporarily reassigned from one shift to another with a higher rate of differential pay will be paid at the higher rate, effective on the date of reassignment.

3. Sick Leave, Annual Leave, and Overtime Pay

- a) Sick leave and annual leave pay is based on the rate of pay for the shift to which the employee is permanently assigned.
- b) Payment for overtime worked is based on the assigned shift rate of pay.

E. Overtime Work

1. Eligibility

Unit members covered by the negotiated agreement who are not in those positions considered as exempted for overtime under the provisions of the

Fair Labor Standards Act (FLSA) shall receive overtime pay as required by FLSA, Department of Labor regulation, and the negotiated agreement.

2. Overtime Assignments

Overtime assignment shall follow the provisions of the negotiated agreement.

3. Approval

Before overtime is worked, approval must be obtained from the appropriate departmental manager, as provided by the direction of the chief operating officer.

4. Compensation

For purposes of reporting regularly scheduled hours, overtime, and call-back hours, Saturday is the first day of the week.

5. Responsibility

a) Administrators and supervisors are responsible for the following:

- (1) Ensuring that employees complete daily work within the scheduled workday.
- (2) Distributing overtime work equitably among available employees in the same classification and occupational group, taking into consideration the qualifications required for work to be done.
- (3) Permitting overtime work and pay only when approved by the responsible account manager (designated representative).
- (4) Keeping the cost for overtime within available funds.
- (5) Supervising and managing work schedules to keep overtime work at a minimum, as permitted by the negotiated agreement.
- (6) Ensuring that supervisory employees are utilized in an overtime situation only when their presence is needed to supervise other employees or when there are no other

employees capable or available to complete the assigned activity.

- (7) Submitting requests for exceptions to established procedures to the associate superintendent, Office of Human Resources.

b) Account managers are responsible for the following:

- (1) Maintaining fiscal control of salary accounts.
- (2) Establishing procedures that will assure equitable distribution of necessary overtime among employees in each work unit and maintaining these procedures on a current basis in the office of the primary account manager.

6. Overtime Records

Overtime records shall be maintained on each unit member and the records necessary for the processing of a grievance will be made available to the president of SEIU Local 500 upon request.

7. Required Overtime

For positions that will have regularly scheduled overtime, unit members will be notified by the Office of Human Resources of this requirement prior to selection.

F. Pay for Holidays

1. Official Holiday Pay

A unit member shall receive holiday pay as provided in the negotiated agreement.

2. Pay for a Temporary Employee Who Works on an Official Holiday

Any temporary employee who is required to work on an official holiday is paid at one and one-half times his or her regular rate of pay.

3. A permanent or conditional employee who works one or more days or who is on authorized paid leave for one or more days during a pay period that includes an official holiday is eligible for paid holiday leave for that official

holiday. An employee who is in a no-pay status for an entire pay period that includes an official holiday is not eligible to be paid holiday pay for that official holiday.

G. Special Within-Grade Advancement

In special or emergency situations, the associate superintendent, Office of Human Resources, may recommend that employees assigned to a particular classification be granted a special within-grade salary advancement. The recommendation, including supporting data and the percentage of advancement, is submitted to the chief operating officer for approval or disapproval.

H. Salary Placement Review

1. Review as a Result of Position Abolishment

Job and salary placements of employees who are reassigned because their positions were abolished may be appealed through the Administrative Complaint Procedure, beginning at Level III. (See MCPS Regulation GKA-RA: *Administrative Complaint*.)

2. Review at Time of Initial Employment

An employee who believes his or her salary placement was not correct at the time of employment may appeal in writing to the director of the Department of Recruitment and Staffing. The employee may appeal, in writing, the decision made by the director of the Department of Recruitment and Staffing to the associate superintendent, Office of Human Resources; this appeal must be initiated within six months of employment. The decision of the associate superintendent, Office of Human Resources, is final.

3. Review Subsequent to Employment for Other than Position Abolishment

When an employee believes a salary placement is incorrect, the employee may submit a request for review of salary placement to the chief financial officer. After review of the employee's records, the chief financial officer notifies the employee of the correct salary placement. The employee may appeal the decision to the associate superintendent, Office of Human Resources, whose decision is final.

I. Pay for Substitute Secretarial, Clerical, and Paraeducator Positions

Employment of a substitute must be handled in accordance with guidelines issued by the chief operating officer. The rate of pay for substitute secretarial, clerical, and paraeducator positions will be established annually. The same rate of pay will be paid for all substitute assignments in these employment categories, regardless of the level of the position to which assigned.

Regulation History: Formerly Regulation No. 415-4, December 1980, revised February 1986, amended by the Agreement Between the Board of Education and MCCSSE (1984-87); revised December 12, 2006.