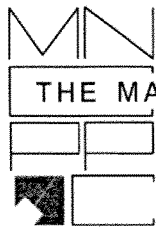


**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING**

**Wednesday, July 16, 2014
MRO 9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>		
			Motion	Second	
1.	Approval of Commission Agenda	(+*) Page	1		
2.	Approval of Commission Minutes				
	a) June 18, 2014 - Open Session	(+*) Page	3		
3.	General Announcements				
	a) Government Finance Officers Association (GFOA) Certificate of Achievement for Financial Reporting Award for the 2013 Comprehensive Annual Financial Report (CAFR)				
4.	Committee/Board Reports (For Information Only):				
	a) Executive Committee Minutes – Open Session - June 4, 2014	(+)	Page 11		
	b) Executive Committee Minutes – Closed Session - June 4, 2014	(++)			
	c) Executive Committee Minutes – Open Session - July 2, 2014	(+)	Page 15		
	d) Minutes of the Regular Employees’ Retirement System Board of Trustees Meeting - June 3, 2014	(+)	Page 19		
5.	Action and Presentation Items				
	a) Resolution #14-24 – Fund Balance Policy (Zimmerman)	(+*)	Page 24		
	b) Proposed Amendments to the Merit System Rules and Regulations on Overtime Compensation Program (Bennett/Policy Team)	(+*)	Page 28		
	c) Health Benefit Changes for Calendar Year 2015 (Spencer/McDonald)	(+*)	Page 60		
	d) Maryland Stadium Authority, Study Related to Show Place Arena (Gathers)	(+)	Page 68		
	e) Personnel Management Review – FY 13 (Spencer/Glover)	(+)	Page 86		
6.	Open Session - Officers’ Reports				
	a) Executive Director – (For Information Only)				
	Employee Evaluations Not Completed by Due Date – (June 2014).....	(+)	Page 94		
	b) Secretary-Treasurer – (For Information Only)				
	1) Investment Report (April 2014).....	(+)	Page 96		
	2) MFD Purchasing Statistics – 3 rd Quarter.....	(+)	Page 102		
	3) Enterprise Resource Planning (ERP) Briefing				
	c) General Counsel				
	Litigation Report (June 2014).....	(+)	Page 116		
7.	Rotation of Commission Chair				

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting (Revised)
Open Session Minutes
June 18, 2014

The Maryland National Capital Park and Planning Commission met on June 18, 2014, at the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners

Francoise M. Carrier, Chair (arrived at 9:57 a.m.)

Norman Dreyfuss

Casey Anderson

Marye Wells-Harley

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair

Dorothy Bailey

John Shoaff

ABSENT

Amy Presley

A. Shuanise Washington

Manuel Geraldo

Vice-Chair Hewlett convened the meeting at 9:55 a.m. because Chair Carrier was delayed. She turned the meeting over to Chair Carrier at 9:57 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Items 3c -- Appointment of Trustee to the Post-Retirement Insurance Benefits Program Trust and Item 3d -- Appointment of Trustee to the Board of Trustees of the Employees' Retirement System presently listed under General Announcements will be presented as Resolutions #14-22 and #14-23, respectively. These topics will be moved to Item 5 on the agenda for action. The meeting will not include a closed session unless Commissioners have questions pertaining to the memorandum provided by Executive Director Barney under Item 5e.

ACTION: Motion of Hewlett to approve the agenda as revised
Seconded by Wells-Harley
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

- a) May 21, 2014, Open Session
- b) May 21, 2014, Closed Session
- c) June 5, 2014, Special Teleconference – Open Session
- d) June 5, 2014, Special Teleconference – Closed Session

ACTION: Motion of Hewlett to approve the Commission meeting minutes
Seconded by Anderson
7 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) The Employees' Retirement System (ERS) has received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for fiscal year ending June 30, 2013.
- b) The ERS team also received an Award for Outstanding Achievement in Popular Annual Financial Reporting from the Government Finance Officers Association (GFOA). ERS Administrator Andrea Rose, ERS Accounting Manager Sheila Joynes, ERS Software Manager Ann McCosby were photographed with the Commissioners and the two awards. Heather Brown was also a part of the team; however, she was not present at the meeting. The Commissioners congratulated the team for a great job.

ANNOUNCEMENTS NOT LISTED ON THE AGENDA

Chair Carrier commended the Diversity Council for an excellent job on both of the diversity celebrations she attended in the last four years. Vice-Chair Hewlett echoed Chair Carrier's sentiments. She received very positive comments as employees left the May 2014 program and thanked the Diversity Council for its hard work. The Commissioners congratulated Prince George's County Parks and Recreation Deputy Director Debbie Tyner for the fabulous production of the "Happy" video. Ms. Tyner attributed the success of the video to Sports, Health and Wellness Division Chief Emily Rose.

Vice-Chair Hewlett shared the significance of the Emancipation Day on June 19th. In 1862, during the Civil War, President Lincoln signed the Emancipation Proclamation to be effective January 1, 1863, to free the slaves in the confederate states throughout the nation. That information was withheld from the slaves so they were not aware they were freed. On June 18, 1865, the president sent a Union general to the confederate states, accompanied by two thousand troops to Galveston with a demand to free the slaves. The slaves found out about their freedom on June 19th (commonly referred to as Juneteenth) and celebrated throughout the land. Vice-Chair Hewlett explained the importance of education stressing we have to take advantage of opportunities and spread the word. She shared that the State of Maryland is now recognizing June 19th as a holiday and the M-NCPPC has submitted a letter supporting this initiative. The Prince George's County Department of Parks and Recreation had an excellent informative "Juneteenth" celebration this past Saturday to include the great-great-great descendent of Solomon Northrop, the lead character in the book, Twelve Years a Slave.

ITEM 4

Committee/Board Reports

Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, May 6, 2014

ITEM 5 a) PENSION AND POST RETIREMENT INSURANCE BENEFITS BOARD TRUSTEES APPOINTMENTS (Rose)

- Acknowledge the Election of Barbara Walsh as the Bi-County Open Trustee for the term ending June 30, 2017
- Recommendation for Appointment of Pamela F. Gogol as the Montgomery County Public Member for the term ending June 30, 2017
- Recommendation for Reappointment of Richard H. Bucher, Ph.D. as Prince George's County Public Member for the term ending June 30, 2017
- Resolution #14-22 – Appointment of Trustee to the Post-Retirement Insurance Benefits Program Trust (Commissioner Casey Anderson)
- Resolution #14-23 – Appointment of Trustee to the Board of Trustees of the Employees' Retirement System (Commissioner Marye-Wells-Harley). As the appointed trustees of the Montgomery County Planning Board, Chair Carrier thanked Commissioner Anderson for his service on the ERS Board and Commissioner Wells-Harley for her service on the Post-Retirement Insurance Benefits Board. Commissioner Anderson thanked Ms. Rose and the members of the ERS. He commented that employees should know the Pension Fund is well run and have confidence that their assets are in good hands. As Chair of the ERS Board, Ms. Hewlett thanked Commissioner Anderson for his service on the Board of Trustees, and welcomed Vice-Chair Wells-Harley to the ERS Board.

ACTION: Motion of Dreyfuss to approve the Pension and Post-Retirement Insurance Benefits Trustee Appointments
Second of Bailey
7 approved the motion

Resolutions taken in order as the item appeared on the agenda.

b) RESOLUTION #14-16 – LANDOVER METRO AREA AND MD 202 CORRIDOR SECTOR PLAN AND SECTIONAL MAP AMENDMENT (Lewis)

ACTION: Motion of Hewlett
Seconded by Bailey
7 approved the motion

c) RESOLUTION #14-17 – ADOPTION OF THE FY 2015 COMMISSION OPERATING BUDGET AND FY 2015 CAPITAL BUDGET (Kroll)

Corporate Budget Manager John Kroll distributed a revised Exhibit A (FY15 Adopted Budget for Montgomery County) attachment to Resolution #14-17. Mr. Kroll explained that the use of fund balance listed on line 7 did not contain sufficient resources to balance the fund in the first iteration.

Chair Carrier and Vice-Chair Hewlett commended Corporate Budget Manager John Kroll and the Budget team for an outstanding job on the budget.

ACTION: Motion of Hewlett
Seconded by Wells-Harley
7 approved the motion

d) RESOLUTION #14-14 – PRINCE GEORGE’S COUNTY GENERAL PLAN 2035 (Reynolds, McCune, and Fritz)

Prince George’s County Planner Coordinator/Project Manager Kierre McCune introduced Prince George’s County Acting Division Chief /Project Facilitator Kipling Reynolds, and Prince George’s County Senior Planner/Associate Project Manager Kate Fritz. Project Manager McCune stated the team is seeking approval of Plan Prince George’s 2035 as presented in the Commission meeting packet. He explained the proposed Plan updates Prince George’s County’s previous Plan of 2002. The Prince George’s County Planning Board adopted the Plan in February 2014 and District Council approved the Plan with minor amendments in May 2014.

Following the presentation, Chair Carrier commended the team and wished them luck working on the zoning re-write. She reported that Montgomery County’s General Plan was passed, the zoning text completed, and the mapping is being developed. Mr. McCune announced that Kate Fritz has accepted a position as Executive Director of the South River Federation in Annapolis. Ms. Fritz was vital to the project. Vice-Chair Hewlett commended the group on a fantastic job, and the Commissioners wished Ms. Fritz well.

ACTION: Motion of Hewlett
Seconded by Bailey
6 approved the motion (Commissioner Wells-Harley was not available for the vote on this item)

e) MEMORANDUM EXPLAINING PROPOSED RESOLUTIONS (Barney)

Executive Director Barney presented a recommendation to approve Resolutions to authorize compensation adjustments, amendments to Plans C and D of the Employees’ Retirement System (ERS), and the transfer of the pre-funding portion of the Employer’s Contribution for Retiree Group Insurance to the Section 115 Trust Fund in Fiscal Year 2015. She noted that the Executive Committee and Department Directors support approval of these actions, and that all wage adjustments fit within the Fiscal Year 2015 Adopted Budget. The Executive Director introduced Human Resources Director William Spencer, Outside Labor Counsel Craig Ballew, and Montgomery County Parks Deputy Director John Nissel who worked on the management negotiation team for collective bargaining. She presented the following Resolutions for approval:

- Resolution #14-15 – Fiscal Year 2015 Merit Increase and Cost of Living Adjustments for Park Police Command Staff and Candidates (Attachment A). This Resolution establishes a “pass-through” to non-represented officers of the same adjustments contained in the Fraternal Order of Police (FOP) contract: 1.75% COLA, effective the first full pay period following July 1, 2014; a 3.5%

Merit increase; and an additional Merit increase according to the criteria in the memorandum. Candidate adjustments include 1.75% COLA effective the first full pay period following July 1, 2014, and the 3.5% merit increase.

- Resolution #14-20 – Approval of Fiscal Year 2015 and Fiscal Year 2016 Amendments to the Maryland-National Capital Planning Commission Employees’ Retirement System Plans C & D (Attachment B). The Resolution establishes a 1% increase in employee contributions for the Park Police plans, phased in at .5% in Fiscal Year 2015 and another .5% in 2016.
- Resolution #14-11 – Approval of Collective Bargaining Agreement (FY 2015 Reopener) for Municipal and County Government Employees Organization (MCGEO) (Attachment C) The Resolution establishes a 2% Cost of Living Adjustment (COLA) effective the first full pay period in September 2014; a 3.5% Merit increase for employees who have not reached the top of their pay grade, a 3.0% Longevity increase after completion of 20 years of Merit service if performance requirements are met; and a lump sum of .5% of base pay if employee receives a Merit increase or Longevity increase during Fiscal Year 2015. If employee is not eligible for Merit or Longevity increase for reasons other than performance, the employee shall receive a lump sum equivalent to 1% of base pay. The lump sum adjustments are payable first pay period after July 1, 2014 and are not added to the base pay. If upon receiving their Fiscal Year 2015 performance evaluation, the rating results in the employee losing eligibility for the bonus, repayment will occur in accordance with the Collective Bargaining Agreement general terms.

The Resolution also identifies that Health Care Reserves will increase from 7% of expenditures to 7.5% of expenditures. The change to formal Fund Balance Policy will be presented to the Commission in July to reflect the adopted change. The Executive Director noted that there are also some non-monetary changes included in the Collective Bargaining Agreement.

During the discussion of Resolution #14-11, the Executive Director covered Merit increases for non-represented employees. The discussion is captured below:

- Non-Represented Employees: Merit System Employees and Certain Contract Employees (excludes Park Police Officers, Command staff and Candidates)
Last year, Resolution #13-07 adopted a reduction from the standard 3.5% Merit/anniversary increase to a 3.0% for Fiscal Year 2014 for non-represented Merit System employees and Seasonal/Intermittent and Term contract positions. As the recommendation for Fiscal Year 2015 is a return to the standard 3.5% Merit/anniversary increase, no action is required related to the Merit/anniversary increase.

- Resolution #14-18 – Award of Fiscal Year 2015 Lump Sum Payment for Certain Non-represented Merit System Employees (Attachment D)
Resolution #14-18 provides for lump sum payments to non-represented Merit System employees (excluding park police) who are at top of grade as long as performance requirements are met.

Employee receives a lump sum of .5% of base pay if employee receives a Merit increase during Fiscal Year 2015. If the employee is not eligible for Merit increase for reasons other than performance, the lump sum will be 1.0% of base pay. The lump sum payments are not added to base pay and are payable the first pay period after July 1, 2014. If upon receiving their Fiscal Year 2015 performance evaluation, the rating results in the employee losing eligibility for the lump sum bonus, repayment will occur in accordance with Commission's general repayment process.

- Resolution #14-19 – Fiscal Year 2015 Cost of Living Adjustments for Certain Non-represented Merit System and MCGEO Represented Employees (Attachment E)
Employees will receive a 2% COLA effective the first full pay period after September 1, 2014.
- Resolution #14-21 – Approval of Fiscal Year 2015 Employer Contribution for Retiree Group Health Insurance (Attachment F)
The Fiscal Year 2015 budget includes \$11,308,585 for current retiree healthcare; the Fiscal Year 2015 Budget includes \$4,588,066 for prefunding Retiree Group Health Insurance and authorizes the transfer to the 115 Trust Fund.

Executive Director thanked LaTonya Reynolds for her assistance in preparing the Resolutions, and the negotiating team comprised of Human Resources Director William Spencer, Montgomery Parks Deputy Director John Nissel, Prince George's County Parks and Recreation Division Chief Greg Kernan, Outside Counsel Craig Ballew, Prince George's County Parks And Recreation Park Police Division Chief Larry Brownlee, Montgomery County Parks Police Chief Antonio DeVaul, Corporate Budget Manager John Kroll, and Classification/ Compensation/Employee Records/HRIS Manager Boni King.

ACTION: Motion of Hewlett to adopt Resolutions #14-15, #14-20, #14-11, #14-18, #14-19, and #14-21
Seconded by Wells-Harley
7 approved the motion

ITEM 6

OPEN SESSION – OFFICERS’ REPORTS (For Information)

- a) Executive Director – Employee Evaluations Not Completed by Due Date (May 2014) – Executive Director Barney noted that only three evaluations are due. This management tool is helpful in tracking and completing the evaluations. She thanked the Department Directors for keeping the performance evaluations current.

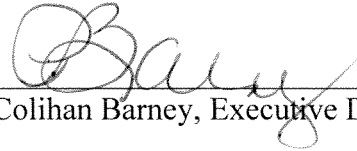
- b) Secretary-Treasurer – Enterprise Resource Planning (ERP) Briefing
No discussion

- c) General Counsel – Litigation Report (May 2014)
No discussion

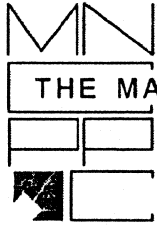
There being no further business to discuss, the meeting adjourned at 10:45 a.m.



Gayla I. Williams, Senior Management Analyst



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee
June 4, 2014
Minutes

The Maryland-National Capital Park and Planning Commission's Executive Committee met in the Executive Director's Conference Room, in Riverdale, Maryland. Present were Chair Françoise M. Carrier, Vice-Chair Elizabeth M. Hewlett (via teleconference), and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Mary Bradford, Director, Montgomery County Parks
Ronnie Gathers, Director, Prince George's County Parks and Recreation (arrived at 9:15)
Fern Piret, Director, Prince George's County Planning (arrived at 9:14 a.m.)
Gwen Wright, Director, Montgomery County Planning
Joe Zimmerman, Secretary-Treasurer
William Dickerson, Associate General Counsel
William Spencer, Human Resources Director
Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
Boni King, Classification/Compensation/HRIS/Employee Records Manager
Lisa Dupree, Senior Management Analyst (CPMO)

Executive Director Barney convened the meeting at 9:05 a.m.

ITEM 1 AGENDA APPROVALS

a) JUNE EXECUTIVE COMMITTEE AGENDA

No adjustments were made.

b) JUNE 18, 2014 COMMISSION MEETING AGENDA - the following adjustments were recommended:

Agenda Item 5 - Action and Presentation Items

a) Pension Trustee Appointments

- Add: Barbara Walsh was re-elected as the Bi-County Open Trustee for the term ending June 30, 2017; Dick Bucher was recommended for appointment as the Prince George's County Public Member for the term ending June 30, 2017; and Pamela Gogel was recommended for appointment as the Montgomery County Public Member for the term ending June 30, 2017.

Agenda Items 6 & 7- Closed Session – Action and Presentation Items

A closed session will be held if Commissioners have any questions about Items 7a through 7d (Resolutions #14-11, #14-18, #14-19, and #14-15). Otherwise, the Resolutions will be presented in open session for the record.

c) COMMISSION ROLLING AGENDA – JULY 2014

The following adjustments were made to the Commission Rolling Agenda:

- The Planning Boards will meet as the Commission at 10:00 a.m., on July 31, 2014, via conference call to approve the Adoption of the White Oak Master Plan, unless M-NCPPC General Counsel requests the Commissioners meet face-to-face. The action will be ratified at the September Commission meeting. If the Master Plan is not approved by the Montgomery County Council, this topic will be withdrawn from the agenda and there will be no special Commission meeting.
- Add “Rotate Chair” to the end of the Commission meeting agenda.
- Medical Plan premium changes may be presented in September.
- Move Branding/Marketing to September.
- The Executive Director asked if Commissioners would like to make recommendations for contract negotiations with the Municipal and County Government Employees Organization (MCGEO) coming in the fall. Executive Director Barney will remind Chair Carrier and Vice-Chair Hewlett to send an email to their respective planning boards inquiring if they would like to have input. The M-NCPPC negotiations team will brief the Commissioners in July if new recommendations are presented.
- Add: Sustainability to the September agenda. On a related note, Vice-Chair Hewlett asked that more recycling receptacles for plastic containers be made available throughout the organization.

ITEM 2 MINUTES

- a) Executive Committee Open Session – May 7, 2014: No changes recommended.
- b) Executive Committee Closed Session – May 7, 2014: No changes recommended.

ITEM 3 a) INVESTMENT REPORT – APRIL 2014

M-NCPPC is in compliance with policy.

b) ENTERPRISE RESOURCE PLANNING (ERP)

Secretary-Treasurer Zimmerman reported that the agency is continuing to work through problems with Enterprise Financial Management (EFM) and Supply Chain Management (SCM). EFM payroll should be loaded from April through the end of May. Executive Director Barney stated that Human Capital Management (HCM) is the most complex of the systems. New contracts have been put in place based on permission received from the Commissioners to spend money on change management and training to incorporate lessons learned from the ERP financial module and the supply chain. More time will be needed to incorporate those areas into the personnel payroll implementation. A readiness review was held with the sponsors, which came to the team yesterday. The HCM module was scheduled to go live in July. Based on where the HCM team is, the agency is not ready for a July deployment. The team will be sending a communication to staff this week to inform them that the HCM module will not be going live in July. The subject matter experts are being re-engaged, and a recommendation will be made to have a smaller group of core subject matter experts (SMEs) helping to ensure the change management process is done

effectively. The Executive Director will report the new go live date when it has been established.

c) MARKETING TEAM/LMD UPDATE

On behalf of the internal Marketing/Branding Team, CPMO Chief Bennett provided a briefing on the status of the Team's work. She shared that the Team has worked with external marketing consultant LMD to develop and distribute online surveys that solicit input from employees and management on their understanding of the agency's role, mission, values, and identity. The survey was also used to request suggestions on improving the agency's recognition. In May, the Team along with LMD presented survey results and a draft positioning statement that will be used to facilitate focus groups with the public. Directors have been asked to forward their input over the next two weeks. Once the Team receives input from Directors, the final positioning statement will be sent to LMD so it can start coordinating focus groups. The Team will return to Directors once feedback from focus group has been analyzed.


ITEMS ADDED TO AGENDA

- 1) Montgomery County Planning Director Gwen Wright has received requests for information from staff about procedures to follow during the upcoming political elections. Vice-Chair Hewlett stressed the importance of appropriate conduct during political activities, including refraining from using Commission resources, technology, and work hours to engage in activities. She reminded all Directors to review the requirements with their staff. Corporate Policy and Management Operations Chief Anju Bennett indicated that there is an existing policy and she would disseminate information to Directors after the meeting. She also offered to send the policy on this subject to Directors and post it on inSite and in the Update newsletter.
- 2) Following up on a discussion at the May Department Directors meeting regarding retirees and re-employment with M-NCPPC, Director Wright requested talking points needed to address this issue with retired rehired employees in the agency. Human Resources Director William Spencer sent a draft memorandum to the Executive Director and the General Counsel for approval of the notice which explains the reason for the new policy. The memo will be emailed no later than Monday, June 9th to Directors and a shorter version will be sent to employees. Employees will be invited to a briefing where Human Resources and the Legal department will be present to answer questions.

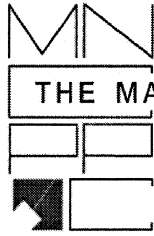
There being no further business to discuss, the meeting adjourned to closed session.



Gayla J. Williams, Senior Technical Writer



Patricia C. Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee Meeting

July 2, 2014

OPEN SESSION - MINUTES

The Maryland-National Capital Park and Planning Commission's Executive Committee met at 9:00 a.m., in the Executive Director's Conference Room, in Riverdale, Maryland. Present were Chair Françoise M. Carrier and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Gene Giddens, Interim Director, Montgomery County Parks

Gwen Wright, Director, Montgomery County Planning

Joe Zimmerman, Secretary-Treasurer

Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

Boni King, Human Resources Manager (Classification/Compensation/HRIS) (for William Spencer, Human Resources Director)

Jennifer McDonald, Human Resources Manager (Health and Benefits)

Janis Thom-Grate, Policy and Records Manager (CPMO) Left at 9:25 a.m.

Executive Director Barney convened the meeting at 9:20 a.m.

ITEM 1 ANNOUNCEMENTS AND AGENDA APPROVALS

Corporate Policy and Management Operations Chief (CPMO) Anju Bennett introduced Janis Thom-Grate who was recently selected for the Policy and Records Manager in the CPMO Division. Ms. Bennett shared that she is very pleased to have Ms. Thom-Grate return to the Commission to fill this position. She brings outstanding skills and former experience as a Commission employee.

a) JULY EXECUTIVE COMMITTEE AGENDA

As Vice-Chair Hewlett was not able to attend the Executive Committee meeting, Chair Carrier and Executive Director Barney will vote on the Health Benefit Changes for calendar year 2015 and brief the Vice-Chair on the proposed modifications to ensure she is up-to-date when the item is presented to the Commission for approval at the July 16th meeting.

b) JULY COMMISSION MEETING AGENDA

Following are recommended changes to the M-NCPPC meeting agendas:

- Change the title of Item 5c, "Revenue Authority Market Study" to "Maryland Stadium Authority-Show Place Arena Market Study".
- Move "Rotate Chair" to the end of the Commission meeting agenda.
- Remove closed session.

c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

- The Comprehensive Annual Financial Report (CAFR) was moved to December on the revised Rolling Agenda.
- Add OPEB in parentheses after "115 Trust FY 2014" item on the November Commission meeting agenda.
- Change "Annual Audit Report FY 2014" to "Annual Audit Committee Report FY 2014"

ITEM 2 MINUTES

- a) June – Open Session – No changes were recommended.
b) June – Closed Session – No changes were recommended.

ITEM 3 DISCUSSION/REPORTS/PRESENTATIONS (Taken out of order)

c) PERSONNEL MANAGEMENT REVIEW (PMR) FY 2013

Principal Administrative Specialist, Jeannette Glover presented the Human Resource's Personnel Management Review (PMR). The PMR provides a comprehensive overview of workforce demographics on a Commission-wide and departmental basis and assists the agency with budget and human resources planning. As Ms. Glover reviewed the trends contained in the packet, she noted that M-NCPPC faces succession planning challenges.

Directors' recommendations for changes in the PMR Review:

- For comparison purposes, contact the Employees' Retirement System Administrator Andrea Rose for information on the percentage of employees who are eligible for retirement from government agencies.
 - Change the term "career" employees to "Merit" employees throughout the document.
 - Consider removing inactive seasonal employees from the statistics.

Directors were asked to submit comments and recommendations for the FY 2014 PMR to Ms. Glover.

a) INVESTMENT REPORT – March 2014

Secretary-Treasurer Zimmerman stated the Investment Report is being prepared. The April reconciliation is complete and the report will be forthcoming. Sympro software, which is a third party product implemented with the Enterprise Resource Planning (ERP) system, helps manage investments, cash, and debt, and is working well.

b) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING

Secretary-Treasurer Zimmerman shared the following:

- The first year-end close was completed for the Supply Chain module for the purchasing component of the ERP
- Enterprise Financial Management’s (EFM) year-end close out is being scheduled. Payables are being updated, the rollover for FY 15 is being created, and the budget is being loaded.
- The ERP team is working on process improvements. Listening sessions are scheduled for later in the month with operational staff. The agency is exploring the purchase of a document archival add on which will allow procurement decision makers to access needed support documents expeditiously.
- The Human Capital Management (HCM) conversion efforts continue to progress. Payroll is making good progress in terms of data conversion. Workflows within departments will be addressed in coming weeks. Schedules are being evaluated to determine when this HCM module will be brought live.

Executive Director Barney commented on the personnel payroll system (HCM) stating the ERP team is working on rescheduling the go-live date to ensure data conversions are correct. The team is looking at workflows to better understand how customers do their business. She explained that, Line of Sight Change Management Consultant Bill Zybach, the change management leadership team, and the change management core team will be helping to work through the business processes. The budget module is working well and will be brought up before the HCM.

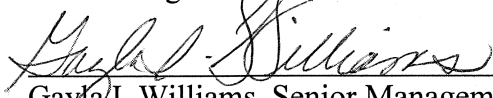
d) HEALTH BENEFIT CHANGES FOR CALENDAR YEAR 2015

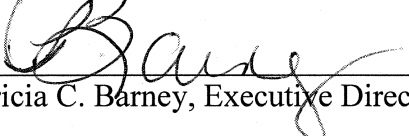
Health and Benefits Manager Jennifer McDonald presented proposed health plan/insurance changes for Calendar Year 2015 as recommended by plan vendors and M-NCPPC’s benefit staff. The information was presented in the Executive Committee packet. The Executive Committee’s position on each proposal is presented below:

Proposed Plan Design Change	Cost Impact	Executive Committee Recommendation
Implement step therapy for three categories specialty drugs. Similar to the generic step therapy implemented in 2014, the program encourages utilization of clinically appropriate and lowest next cost medication for three classes of specialty drugs specifically related to Auto-Immune, Multiple Sclerosis, and Infertility. An appeal process is available.	Estimated savings over 3 year is \$127k	The Executive Committee supported the change but requested additional information on how many employees appealed to Caremark for the generic step therapy. This information was requested in time for the July Commission meeting.
Add the Pharmacy Advisor program to the prescription plan	\$17k in annual fees, with an estimated \$150k in medical plan savings	The Executive Committee supported this change.

Add Prior Authorization for compounded drugs with a \$300 or greater ingredient cost. The pharmacy filling prescription would advise the member that his/her physician will need to call Caremark for authorization.	There is no cost for the program but savings cannot be determined at this point.	Change is not supported as proposed. During the discussion, Ms. McDonald explained that Caremark makes the final decision on whether the drug will be covered. Concerns were raised on Caremark's authority. The Executive Committee requested additional information on: (1) The Commission's actual experience (costs) for compound drugs, (2) If a consultation process may be added to contain cost, but still allows the doctor to have the final decision. (3) Does Caremark make the final decision; how many times have they said no?
Extend dental and vision coverage for children up to age 26.	No immediate impact, but premiums may increase in the future if we experience much higher utilization. However, administrative costs/burden for administering the current program may help offset costs.	Supported recommendation. During this discussion but on a separate item, it was noted that Executive Director Barney and General Counsel Gardner will meet to discuss administration of the 125 Plan.
Change the Vision Service Plan type from Signature (premier) to Choice Option	Current utilization indicates that premiums will increase significantly at the next renewal for 1/1/2016. Changing to Choice will reduce claims costs, mitigating the expected increase in rates and bring the plan up to industry standards.	The Executive Committee recommended the Choice Plan. Ms. McDonald was also asked to check with the vendor to see if a longer rate guarantee would be extended to the agency if it decided to move to another plan design. Also, Ms. McDonald was asked to provide cost of plan changes to Commission and employee.
Waive the 8/4 hours contributions for Sick Leave Bank in 2015 for current members	For the past 5 years, annual contributions averaged 6,000 hours with a balance of 12,210 hours at the end of 2013. Reduce the growing bank balance.	Supported recommendation.
Increase supplemental Life Insurance by adding an additional 2 levels that will allow employees to elect up to 5 times their annual salary with a maximum of \$750,000	Current option is 1 to 3 times salary up to a maximum of \$300,000. Increased cost to employee if additional coverage is elected, none to the Commission.	Supported recommendation.
Increase dependent life insurance coverage, offering three options	Increased cost to employee if elected, none to the Commission.	Supported recommendation.

There being no further business to discuss, the meeting adjourned at 10:41 a.m.


 Gayla I. Williams, Senior Management Analyst
 Executive Committee Meeting – Open Session
 July 2, 2014


 Patricia C. Barney, Executive Director



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, June 3, 2014; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, June 3, 2014 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Colihan Barney, CPA, Richard H. Bucher, Ph.D., LaKisha Giles, Elizabeth M. Hewlett, Elton King, Tracy Lieberman, Barbara Walsh and Joseph C. Zimmerman, CPA. Casey Anderson and Josh Ardison were not present.

ERS staff included: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila S. Joynes, Accounting Manager.

ERS legal counsel included: M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel.

Presentations by Wilshire Associates - Mike Dudkowski, Managing Director, and Boomershine Consulting Group - David S. Boomershine, EA, MAAA, MSPA, FCA, Senior Consulting Actuary and President, and, Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the June 3, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, May 6, 2014
- C. Minutes of Closed Session, May 6, 2014 (Handout)
- D. Disbursements Granted Report – April 2014
- E. Transfer of \$12,600,000 to Cover Administration Expenses and Benefit Payments for June 2014 – August 2014

CHAIRMAN HEWLETT deferred the June 3, 2014 Board of Trustees Meeting Agenda Items 1.C. and 2.A.i. for a future Board of Trustees Meeting.

MS. BARNEY made a motion, seconded by DR. BUCHER to approve the June 3, 2014 Board of Trustees Meeting Agenda, Item 1.A., as revised. The motion PASSED unanimously (9-0). (Motion #14-13)

DR. BUCHER made a motion, seconded by MS. BARNEY to approve Items 1.B. 1.D. and 1.E., as submitted. The motion PASSED unanimously (9-0). (Motion #14-14)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
 - i. IFEBP's Investment Institute Report by Patricia Barney, CPA

MINUTES, AS APPROVED, AT THE JULY 1, 2014 BOARD OF TRUSTEES MEETING

ii. NCPERS Annual Conference Report for 2014 by Andrea L. Rose

Item 2.A.i. was deferred to a future Board of Trustees Meeting.

Andrea Rose presented her report on the National Conference on Public Employee Retirement Systems' 2014 Annual Conference highlighting the challenges and legal issues for pension plans, the need for a funding policy and discussions with pension software vendors.

B. Resolution in Honor of Elton F. King, Montgomery County Public Member, for the term ending June 30, 2014

CHAIRMAN HEWLETT presented a Resolution to Elton F. King and thanked him for his dedication, professionalism and faithfully serving the members of the ERS. DR. BUCHER, MS. BARNEY and Andrea Rose thanked MR. KING on behalf of all trustees and ERS staff for his commitment.

C. Approval of the Bi-County Open Trustee for the term ending June 30, 2017

Andrea Rose explained the election process and procedures required for the Bi-County Open Trustee seat and announced that incumbent Barbara Walsh received the highest number of votes.

MS. BARNEY made a motion, seconded by DR. BUCHER to acknowledge MS. WALSH as the winner of the Bi-County Open Trustee election for the term ending June 30, 2017. The motion PASSED unanimously (9-0). (Motion #14-15)

D. Recommendation for Appointment of the Prince George's County Public Member for the term ending June 30, 2017

Incumbent Richard H. Bucher, Ph.D. was the only candidate to apply for the Prince George's County Public Member seat.

MS. BARNEY made a motion, seconded by MS. WALSH to recommend Richard H. Bucher, Ph.D. to the Commission for reappointment as the Prince George's County Public Member for the term ending June 30, 2017. The motion PASSED unanimously (9-0). (Motion #14-16)

E. Recommendation for Appointment of the Montgomery County Public Member for the term ending June 30, 2017

DR. BUCHER explained that the Administration & Personnel Oversight Committee reviewed the three applications received for the Montgomery County Public Member seat and recommended the Board approve the application of Pamela F. Gogol. Ms. Gogol's professional background, experience and particularly her knowledge in investments will be a valuable addition to the Board. DR. BUCHER noted that all three candidates were very well qualified. MS. BARNEY added all three applicants had impressive resumes and made the decision a difficult one.

DR. BUCHER made a motion, seconded by MS. BARNEY to recommend Pamela F. Gogol to the Commission for appointment as the Montgomery County Public Member for the term ending June 30, 2017. The motion PASSED unanimously (9-0). (Motion #14-17)

3. **MISCELLANEOUS**

No miscellaneous reported.

LaTonya Reynolds, Associate General Counsel, left the meeting.

4. **INVESTMENT RETURN ASSUMPTION**

A. Boomershine Consulting Group

Presentations by David S. Boomershine, EA, MAAA, MSPA, FCA, Senior Consulting Actuary and President, and, Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary

i. Employees' Retirement System Update

- a. Recommendation to Reduce the Investment Return Assumption from 7.4% to 7.3% with a Corresponding 0.1% Salary Assumption Reduction

Dave Boomershine initially presented his recommendation for a reduction in the investment return assumption at the May 6, 2014 Board of Trustees Meeting. At that meeting trustees questioned whether the reduction was reasonable based on Wilshire Associates' investment assumptions and determined it prudent to delay the vote until hearing from Wilshire Associates.

Mr. Boomershine briefly discussed the current plan status, 2013 economic assumptions, and impact of a reduction in the investment return from 7.4% to 7.3% with a corresponding 0.1% salary assumption reduction.

B. Wilshire Associates

Presentation by Mike Dudkowski, Managing Director

i. Actuarial Interest Rate Assumption

Mike Dudkowski presented the Actuarial Interest Rate Assumption report that provides Wilshire's 2014 Asset Class Assumptions and the expected rate of return and risk for the ERS' asset mix policy. The ERS' expected rate of return is 7.06% without active management and 7.78% with active management. According to Wilshire's *2014 Report of State Retirement Systems: Funding Levels and Asset Allocation*, the median actuarial interest rate reported was 7.75%. Mr. Dudkowski believes it prudent to be more conservative based on projections for the markets and supported the recommendation to reduce the investment return assumption to 7.3%.

MR. ZIMMERMAN made a motion, seconded by MS. WALSH to approve the reduction in the investment return assumption from 7.4% to 7.3% with a corresponding 0.1% salary assumption reduction effective for the July 1, 2014 actuarial valuation as recommended. The motion PASSED unanimously (9-0). (Motion #14-18)

5. **MANAGER REPORTS/PRESENTATIONS**

A. Wilshire Associates

Presentations by Mike Dudkowski, Managing Director Bradley Baker, Senior Associate

- i. Executive Summary of Investment Performance; as of March 31, 2014
- ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of March 31, 2014
- iii. Summary of Investment Performance – Gross of Fees; Qtr. Ending March 31, 2014
- iv. Annual Conflicts Checks Report (Confidential – Trustees Only)

Mike Dudkowski reported on the fund's performance for the quarter ending March 31, 2014. The ERS' total return was 10.76% (net of fees) for the one-year ending March 31, 2014. The total fund underperformed the policy index return of 11.59% by 0.83%. The ERS fund return was 8.84% for the three-years ended March 31, 2014 and 14.95% for the five-years ended March 31, 2014 versus the policy index which returned 9.50% and 14.53%, respectively. The total market value through March 31, 2014 was \$781 million.

6. COMMITTEE REPORTS/RECOMMENDATIONS

A. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Richard H. Bucher, Ph.D.

i. Regular Report of June 3, 2014 (Handout)

a. Recommendation to Approve Renewal of the Fiduciary Liability Insurance Policy

DR. BUCHER presented the regular report for the Administration & Personnel Oversight Committee ("Personnel Committee") meeting of June 3, 2014.

The Personnel Committee reviewed the Budget vs. Actual for Quarter Ending March 31, 2014. Actual expenses through June 30, 2014 are projected to be well below the FY2014 Operating Budget. As a result of the savings, staff plans to purchase two virtual servers that were budgeted in FY2015. The current server is at the end of life and nightly backups are becoming problematic. There are several additional purchases in the Office Supplies & Furniture category and Computer Supplies category to be purchased as well.

MS. BARNEY noted the actual expense in Trustee Training was below the budget and reminded trustees that they have a responsibility to the members to stay educated and informed. All trustees should arrange their calendars to attend at least one training conference a year.

The current Fiduciary Liability Insurance Policy from Chubb expires July 1, 2014. The Personnel Committee reviewed Chubb's quotes for renewal of the Fiduciary Liability Insurance. Chubb provided a quote for a Limit of Liability of \$7,500,000 and \$10,000,000 with premiums at \$33,900 and \$41,951, respectively. The deductible is \$50,000 for both limits of liability. The quote includes a Waiver of Recourse Endorsement for 11 fiduciaries. In prior years the Policy also included 2 staff members. The ERS' insurance agent is looking in to why Chubb dropped the 2 staff members from the Waiver of Recourse quote. Quotes were requested from other providers; however, in past years providers have declined to quote due to Chubb's competitive premium. Traveler's declined to quote. Staff will do benchmarking to evaluate increasing the limit next year.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve renewal of the fiduciary liability insurance with a limit of liability of \$7,500,000 with a \$50,000 deductible and premium of \$33,900 and for staff to adjust the premium to include 2 staff members for the Waiver of Recourse. The motion PASSED unanimously (9-0). (Motion #14-19)

7. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated May 22, 2014

Andrea Rose presented the Administrator's Report dated May 22, 2014 highlighting the ERS' role in the Commission's ERP Project. The ERS recently learned the Commission does not plan to convert historical payroll data and the legacy system will be available for an undefined period of time. ERS staff is meeting internally and with Commission staff to determine the ERS' data requirements and alternatives.

JP Morgan will be hosting a summer webcast series to examine key challenges fixed income investors face and to introduce a range of solutions. This is an excellent opportunity to earn training credit through participation in these sessions. An email with the link to register will be sent to all trustees.

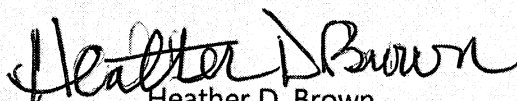
8. TRAINING

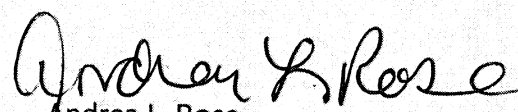
- A. JP Morgan Training: Webcast – "A Search for Intelligent Life in the Active Equity Management Universe"

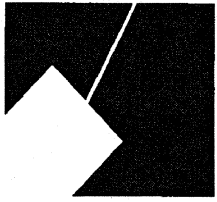
The Board listened to a replay of J.P. Morgan's "A Search for Intelligent Life in the Active Equity Management Universe" webcast.

The Board of Trustees meeting of June 3, 2014 adjourned at 1 p.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator



MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING
COMMISSION

Department of Finance, Office of the Secretary-Treasurer

TO: Commissioners

FROM: Joe Zimmerman, Secretary-Treasurer 

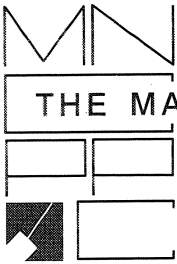
SUBJECT: Change to fund balance policy

DATE: July 9, 2014

During recent union negotiations, it was agreed that the reserve balance for the group insurance fund would be increased to 7.5% of expenditures.

Resolution 14-24 (attached) reflects that change, and your adoption of the resolution is requested.

Please let me know if you have any questions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC No. 14-24

RESOLUTION

FUND BALANCE POLICY

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Division II of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt budgetary policies and procedures; and

WHEREAS, The Maryland-National Capital Park and Planning Commission considers the development of fund balance policy goals as an important part of sound fiscal management; and

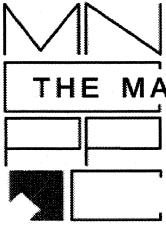
WHEREAS, The Maryland-National Capital Park and Planning Commission desires to maintain favorable bond ratings and recognizes that establishing fund balance policy goals is encouraged by rating agencies.; and

WHEREAS, from time to time The Maryland-National Capital Park and Planning Commission may make adjustments to its Fund Balance Policy based on actual experience.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby replace previous fund balance policies with the following policy goals:

<u>Fund</u>	<u>Policy</u>
General Fund	3-5% of expenditures
Prince George's Special Revenue Funds	10% of expenditures
Montgomery Special Revenue Funds	15% of expenditures
Montgomery Enterprise Fund	Minimum cash balance equal to 10% of operating expenses plus one year's debt service on all debt excluding that which is related to golf course operations, with a 3 year replenishment period, if necessary.
Prince George's Enterprise Fund	Minimum cash balance equal to 10% of operating expenses with a 3 year replenishment period, if necessary.
Montgomery Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Pr. George's Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Flexible Spending and Leave Funds	100% of Net Assets
Insurance Fund (employee life and health benefits)	7.5% of fund expenditures

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
7/8/2014





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

July 8, 2014

To: The Commission

Via: Patricia C. Barney, Executive Director 

From: Anju Bennett, Chief 
Corporate Policy & Management Operations Division

Subject: Recommended Amendments to the Merit System Rules and Regulations: Overtime Program

Requested Action

The Commission is asked to consider proposed amendments to the Commission's overtime compensation policies, as found in the Merit System Rules and Regulations (MSR&R), Chapters:

- 1200 (Employee Compensation) and
- 1400 (Employee Leave: Personal, Annual, Sick, and Compensatory Leave).

The proposed amendments are reflected in the policy draft (Attachment A). As outlined in the "Overview and Background" section of this memo, drafted amendments are the culmination of extensive staff research, analysis and work sessions with Department Heads, the Executive Committee, and the Merit System Board. The proposed amendments are unanimously supported by Department Heads, the Merit System Board, and the Executive Committee. Management believes these amendments will provide for more consistent administration of overtime, reduce overtime balances by encouraging greater flextime of extra hours worked, allow closer alignment with our county governments, and provide greater ability to compensate professional employees.

Overview and Background

During a meeting at which Commissioners adopted changes to some leave policies, an inquiry was made regarding Compensatory Leave policies. Commissioners wanted to gain a better understanding of how the Compensatory Leave program is utilized and whether changes are needed.

Compensatory Leave is one of two components used by the M-NCPPC to compensate employees for authorized overtime (the other is overtime pay). As such, the Policy Office initiated a comprehensive review of both components to allow for a more complete understanding of the agency's overtime program. The review included extensive research as well as work sessions with Department Heads, the Executive Committee and the Merit System Board to identify areas which could be improved. This packet presents a set of policy recommendations that address concerns that were identified during the review.

The following sections provide background:

- I. Policy Development Process
- II. Policy Research: Applicable Overtime Laws, Existing M-NCPPC Policies, and Overtime Programs Implemented by County Governments
- III. Explanation of Proposed Amendments

I. Policy Development Process

The proposed amendments outlined in this packet were developed through a collaborative process that included:

- Research/analysis of applicable wage laws pertaining to overtime; existing M-NCPPC compensation policies and practices; the current application of overtime policies by individual departments; best practices; standards adopted by other agencies; and an analysis of how our program compared with overtime policies adopted by Montgomery and Prince Georges' County governments. Additional information is presented in Section II of this memo.
- Work sessions with Department Heads and the Executive Committee to review research, identify operational concerns, and consider policy proposals/options to address those concerns.
- Review of policy proposals with the Merit System Board. Pursuant to requirements for amendment of the MSR&R, policy proposals were circulated this May for a mandatory 30-day review, during which non-represented Merit System employees/supervisors were invited to comment on proposed amendments to the MSR&R. Four sets of comments were submitted during this review. A copy of all submitted comments and policy staff responses is provided as Attachment B.
- Policy staff and the Merit System Board reviewed comments for potential implications. Submitted comments did not require amendment of initial policy proposals. On June 18, 2014, the Merit System Board issued its approval of the policy proposals and recommended that they be forwarded to Commissioners for adoption. A copy of the Merit System Boards recommendation is provided as Attachment C.

II. Policy Research: Applicable Overtime Laws, Existing M-NCPPC Policies, and Overtime Programs Implemented by County Governments

A. Applicable Wage Laws

Employer mandates on overtime payments are established by the federal Fair Labor Standards Act (FLSA). Under FLSA, employees must receive overtime compensation at a rate of 1 ½ times their regular rate of pay for any authorized hours worked over 40. Certain positions are exempt from this law. Therefore, overtime requirements are based on whether a position is classified as exempt or non-exempt from FLSA.

- **Non-exempt** positions are non-supervisory in nature and typically have duties in trades, maintenance, clerical, and paraprofessional areas. Under FLSA, 1 ½ overtime is mandated for non-exempt positions.
- **Exempt** positions are those with supervisory, managerial, administrator, or professional duties. These positions are not covered by FLSA mandates; therefore, are not entitled to overtime under the law. Employers may elect to, but are not required to, pay overtime to exempt positions.

B. Existing M-NCPPC Policies (Chapters 1200 and 1400 of MSR&R)

All overtime work must be authorized in advance by the Department Head or his/her designee.

M-NCPPC's existing policies adhere to the FLSA overtime laws, in that non-exempt positions are granted overtime compensation at a rate of 1 1/2. While the FLSA does not mandate overtime for exempt positions, the M-NCPPC, like most public employers, permits management to authorize more limited overtime for these employees. Under our existing policy, exempt positions generally receive overtime compensation at their regular rate of pay (or straight time).

M-NCPPC provides overtime compensation through two options: (1) overtime pay or (2) earned Compensatory Leave. Eligibility for these options is based on the employee's position classification (exempt or non-exempt) and grade level. The selected compensation option must be authorized by the Department Head, and is subject to funding and program needs. Some positions are restricted from receiving any overtime compensation. The compensation options and eligibility explained below:

1. **Overtime Pay (MSR&R Section 1260)**

This component is primarily used to compensate non-exempt employees who earn overtime at a rate of 1 ½. While overtime pay may be granted to exempt employees, it is paid at the regular rate of pay.

- **Non-Exempt Positions:** These positions (typically Grade F and below) receive overtime at a rate of 1½ their regular assigned rate. The overtime pay option is preferred over Compensatory Leave.
- **Exempt Positions:** Management rarely authorizes the use of the overtime pay option for exempt employees. When it is authorized, it is typically limited to straight time pay and restricted based on an employee's pay grade. The Compensatory Leave option is more frequently used to compensate exempt employees.
 - Positions Grade I and below (specialists/analysts/non-supervisory professionals): Overtime pay may be authorized at straight time. In exceptional situations, management may authorize overtime at rate of 1 ½. However, both options are rarely exercised for exempt employees.
 - Positions Grade J and above (typically program/unit leads, supervisors, Division Chiefs, Department Heads): These positions are not eligible to receive overtime pay under any circumstances.

2. **Compensatory Leave (MSR&R Section 1480):**

This component is paid leave that is earned in lieu of overtime pay. Earned Compensatory Leave hours are reflected as part of the employee's leave balance and are used to cover future authorized absences. Similar to overtime pay, it may be earned at a rate of straight time or 1 ½ times, based on the employee's position classification. When accrued Compensatory Leave is taken to cover an absence, each hour of leave is paid out at the employee's regular rate of pay. The Compensatory Leave option is predominately used to compensate exempt employees.

- **Non-Exempt Positions** (typically Grade F and below): May be authorized to earn Compensatory Leave at a rate of 1 ½ in lieu of overtime pay. However, the Compensatory Leave option is rarely used for non-exempt positions.
 - Accrual/Authorization Limitations: Non-exempt positions may accrue no more 80 hours of Compensatory Leave in a calendar year.
- **Exempt Positions:** Compensatory Leave may be authorized only at the straight time rate (one hour of leave for each hour of authorized overtime).
 - Positions Grade I and below: Eligible for Compensatory Leave at a rate of one hour of leave for each hour worked beyond the standard work week of forty (40) hours ("straight time").

- Positions Grade J and above: These positions normally are not eligible for Compensatory Leave. Only in exceptional cases, a Department Head may authorize Compensatory Leave granted at straight time for authorized overtime.
- Accrual/Authorization Limitations: Exempt employees may transfer a maximum of 160 hours from one calendar year to the next. Amounts over 160 are transferred to sick leave balances. Current policy requires employees to use accrued Compensatory Leave for absences prior to using other forms of Leave (such as Annual or Personal).

The following chart presents M-NCPPC Policies graphically for ease of reference:

Classification	Grade	Overtime Pay	Compensatory Leave	Compensatory Leave Accrual Limitations
Non-exempt	Grade F and below	Yes - required by law. Paid at 1 ½ rate.	Yes - may be granted in lieu of Overtime Pay. Leave earned at 1 ½ for each hour of overtime.	Limited to 80-hour calendar year maximum. Balances in excess of 80 hours are paid out to the employee.
Exempt	Grade G* through I *Some Grade G positions qualify for non-exempt status and are compensated accordingly.	In exceptional cases, a Department Head may approve this component in lieu of Compensatory Leave. It is typically only paid as straight time.	Yes - primary form of compensation for authorized overtime. Paid only at straight time rate.	Maximum of 160 hours can be carried from one year to the next. Excess of 160 hours is transferred to Sick Leave.
Exempt	Grades J and above	Not available	Not available. Only in exceptional cases, may Department Heads approve use.	See Exempt (above).

C. Comparison to Wage Laws and Overtime Programs Adopted by County Governments

Staff analyzed the policies of M-NCPPC, Montgomery County and Prince George’s County.

Information was also requested from a number of other agencies; however, data was not complete to provide a meaningful comparison.

Both Montgomery and Prince George’s Counties have multiple collective bargaining units, with sometimes significant variations among each contract. Because of this, our research focused on policies that apply to the non-represented workforce. It should be noted that in M-NCPPC’s case, our policies remain fairly consistent across non-represented and represented employees. However, overtime policies for represented employees are covered by collective bargaining agreements (CBA) and will not be affected by the policy amendments presented in this packet, as changes to the CBA require negotiation with the respective Unions.

Similarities Among M-NCPPC and County Agencies:

- Research revealed that all three agencies (M-NCPPC, Montgomery and Prince George’s Counties) have overtime programs which allow management to compensate non-exempt and exempt positions.
- All agencies provide compensation options of overtime pay and/or Compensatory Leave.
- All agencies grant 1 ½ pay to their non-exempt positions consistent the FLSA mandates.

Key Differences M-NCPPC and County Agencies:

The research revealed some significant differences among the three agencies with respect to overtime compensation for exempt positions.

- **M-NCPPC:** policies are notably more restrictive than both Prince George's and Montgomery Counties. Exempt positions at Grade I and below receive Compensatory Leave at straight time. Exempt positions at Grade J and above cannot earn Compensatory Leave (other than in exceptional cases).
- **County Agencies:** The two counties grant Compensatory Leave to all exempt employees except to the most senior levels (generally Deputy Directors/Directors/Executives). Both Montgomery and Prince George's Counties allow exempt employees in positions similar to our Grade I to receive Compensatory Leave at a rate of 1 ½. Positions equivalent to our Grade J-Ks may earn Compensatory Leave at a rate of straight time.
 - **Montgomery County:** The County provides for greater overtime benefits than those adopted by M-NCPPC or Prince George's County. Non-exempt and many exempt positions (equivalent to our Grade I and below) are granted Compensatory Leave at a rate of 1 ½. Exempt employees in senior professional level positions (Grade 25 and above) are compensated through straight time Compensatory Leave. Exempt employees in senior leadership positions are precluded from receiving overtime.
 - **Prince George's County:** Non-exempt employees are compensated at 1 ½. A hybrid approach to compensate exempt employees is applied. Some exempt employees, including those at senior professional levels, are eligible for overtime at 1 ½. Others are limited to receiving overtime at straight time, or are completely precluded from earning overtime, based on the method of timekeeping.

Other differences among the three agencies exist in: the amount of compensatory leave that an employee may accrue and transfer from one year to the next; and the amount compensatory leave that may be paid out in the event of an employee's death. Additional details on the County programs as compared to M-NCPPC's existing program are presented in Attachment D. Information on these areas also is highlighted in Section III of this memo which explains proposed policy amendments.

III. Explanation of Proposed Amendments

While the M-NCPPC complies with overtime laws, staff research and management work sessions revealed a number of operational concerns related to the administration of overtime for exempt employees. Operational concerns identified during the policy review include:

- The need for more consistent application of overtime policies across departments.
- Existing policies do not provide needed authority to recognize authorized overtime worked by professional staff at Grade J.
- County policies provide management greater ability to compensate exempt employees and authorize higher overtime compensation.
- The need for formal standards which encourage the use of "flexing" of extra hours worked by exempt staff so they can be used for time off in the same period, rather than requiring overtime compensation.
- The need to permit full payout of overtime compensation (Compensatory Leave) in the event of an employee's death.

Proposed amendments, which are described below, address these concerns. Overtime policies pertaining to non-exempt employees are not being recommended for amendment.

1. Proposed Policy Amendment: Modify Overtime Eligibility for “Exempt” Positions at Grade J

Modify existing overtime policies to permit Grade J positions to receive straight time Compensatory Leave without the current “exceptional situation” restriction.

- **Existing Policy Sections (Sections 1263 and 1483):** Current policies permit management to grant straight time Compensatory Leave to exempt positions at Grade I and below. Although the option is not frequently used, these positions also may be approved for overtime pay in lieu of Compensatory Leave. Positions at Grade J and above are not eligible for Compensatory Leave for any overtime work, other than in exceptional cases as determined by the Department Head.

During the policy review it was learned that:

- The “exceptional situation” standard is not interpreted/applied consistently across departments for positions at Grade J and above;
 - Grade J positions are typically program managers. Many positions at this level do not have supervisory duties; and
 - Both County agencies permit the granting of Compensatory Leave to positions equivalent to our Grade J and K level positions. In some cases, the Counties permit Compensatory Leave to be granted at rate of 1 ½.
-
- **Explanation of Proposal #1:** Proposed amendments (to Sections 1263 and 1483) remove the “exceptional situation” criteria for Grade J positions permitting Compensatory Leave to be granted at straight time. Management indicated that this flexibility is needed to recognize additional efforts by these positions. This change will allow Department Heads to authorize overtime for Grade J positions without requiring extraordinary reasons. This will promote more consistent authorization of overtime and align overtime standards more closely with those permitted for County employees. The amendments also:
 - Maintain straight time rate for Compensatory Leave for all exempt employees. While both County governments permit Compensatory Leave to be granted at a rate of 1 ½ for many exempt positions through Grade I, it is recommended that the straight time rate be maintained.
 - Continue to restrict overtime compensation for all positions Grades K and above (e.g., Division Chiefs, Deputies, and Department Heads). These positions can only be authorized for Compensatory Leave at straight time in extraordinary instances.
 - Maintain the restriction for use of the overtime pay option. The current option, which permits Departments to authorize straight time overtime pay in lieu of Compensatory Leave, will remain available only to Grades I and below.

2. Proposed Policy Amendment: Modify Required Number of Hours to Be Worked before Eligibility for Overtime Can Occur for “Exempt” Positions

For positions that are exempt from FLSA, modify number of hours that must be worked from 40 to 80 hours before overtime compensation may be granted.

- **Existing Policy Sections 1263 and 1481:** Existing agency policies permit employees to be considered for overtime when authorized work hours exceed 40 during the 7-day workweek.
- **Explanation of Proposal #2:** The FLSA requires employers to pay overtime to non-exempt employees after they have worked more than 40 hours in a week. The FLSA does not apply to exempt employees, thus permitting the amendment to a bi-weekly minimum of 80 hours, before overtime can be granted. These amendments (Sections 1263, 1263.1, and 1481.2.b) also provide greater opportunity for “flexing” extra work hours instead of requiring overtime compensation. The amendments:
 - Extend the period during which overtime hours can be “flexed” out for time off. Because “flexing” of hours must be done in the same week in which overtime would otherwise be calculated, the current one week (40 hours) standard significantly limits the exempt employee’s ability to flex the extra hours worked for time off. Under the proposed amendment, the period is extended to two weeks. For example, if an exempt employee works 45 hours in week one, he/she can work 35 hours in week two.
 - Reduce the need to grant overtime compensation. The proposed amendment requires employees/supervisors to first consider flexing out extra hours before overtime compensation is considered. Compensation is authorized only when extra work hours cannot be flexed before the end of the bi-weekly pay period; overtime compensation may be authorized for work that exceeds 80 hours.

3. Proposed Policy Amendment: Modify Limitations on the Transfer (Carry-over) of Earned Compensatory Leave by Exempt Employees:

For exempt employees, reduce current year end rollover of Compensatory Leave from 160 to 120 hours (effective December 31, 2014).

- **Existing Policy Section 1484:** Compensatory Leave accrual and transfer policies are as follows:
 - Non-exempt Positions earn Compensatory Leave at a rate of 1 ½. These positions may not accrue more than 80 hours at any time during the calendar year. The 80-hour limit also applies to the amount which may be carried over from one year to the next. Excess leave is paid out. It should be noted most non-exempt positions do not receive Compensatory Leave, as overtime is generally compensated through the overtime pay option.
 - Exempt Positions earn Compensatory Leave at straight time. These positions are not limited on the amount of Compensatory Leave that may be earned during the year. However they may only carry over 160 hours at the end of the calendar year. Amounts over 160 hours are transferred to the employee’s sick leave balance.

M-NCPPC policies fall in between standards adopted by the two Counties.

- Montgomery County: Does not limit the amount of leave an employee may earn during the year. Carryover maximums are set at 80 hours for exempt and non-exempt employees.

- Prince George's County: Does not limit the amount of leave that an exempt position may earn or carry over from one year to the next. Non-exempt employees may accrue and carryover up to 240 hours consistent with maximums established by FLSA.

- **Explanation of Proposed Amendment #3:** The proposed amendment (to Sections 1484.1) is designed to reduce the accrued leave balances for exempt positions, support greater use of "flexing", and require more consistent application of leave use policies pertaining to Compensatory Leave.

- Current policy (Section 1482.3) requires employees to use accrued Compensatory Leave to cover absences prior to the use other forms of leave, such as annual or personal leave. This standard has not been consistently observed when approving employee leave. The requirement was discussed with Department Heads, who will ensure better compliance with the requirement. With the more consistent use of Compensatory Leave before other forms of paid leave, it is likely that Compensatory Leave balances will be reduced, thus minimizing the need for larger balances.
- Policy amendments in Proposal #2 (Section 1263) encourage supervisors to consider the use of "flexing" out of extra hours worked by exempt employees before overtime compensation is needed. This amendment is designed to reduce earned Compensatory Leave balances.

4. **Proposed Policy Amendment: Establish Policy That Specifically Addresses Payout of Compensatory Leave Balances Upon Death.** *Permit the full payout of all accrued Compensatory Leave in the event of death regardless of exempt or non-exempt status.*

- **Existing Policy Section 1485:** Currently an employee's estate receives the same amount upon death that the employee would have received had s/he retired or terminated employment with the agency.
 - Non-exempt Positions: Consistent with FLSA, all accrued Compensatory Leave balances earned by non-exempt employees must be paid out upon an employee's separation from employment. This standard has been applied in the event of an employee's death.
 - Exempt Positions: Limited to a payout of 80 hours, regardless of the amount that has been accrued.

Both Montgomery and Prince George's Counties allow payout of the full Compensatory Leave balance in the event of death.

- **Explanation of Proposed Amendment #4:** The proposed amendment adds Section 1485.3 and permits the full payout of all accrued Compensatory Leave to the employee's beneficiary/estate regardless of the employee's position classification as exempt or non-exempt.

5. Other Proposed Amendments that Clarify Existing Policies and Federal Overtime Laws

Minor amendments have been made throughout Sections 1260 and 1480 to clarify existing policies. These amendments include cross references to laws and other relevant policies, consistent use of terminology, and reorganization of sections for better understanding of subject matter. Other changes include:

- **Section 1260:** Amendments emphasize the requirement that employees receive prior authorization for overtime work.
- **Section 1261:** Amendments clarify the application of the federal overtime law (FLSA) on employer mandates for overtime. The FLSA only mandates overtime for hours beyond 40 when they are worked by employees in positions categorized as non-exempt from the law. Because hours below 40 do not fall within the definition of overtime, the section has been modified to explain the compensation of extra hours worked by part-time employees.
- **Section 1262:** Amendments explain that non-exempt employees may request the form of overtime compensation (pay or Compensatory Leave). However, the option is subject to Department approval, and based on the availability of funding and work program considerations.

Attachments:

- A. Drafted Revisions to Relevant Sections of the Merit System Rules and Regulations Covering Overtime Compensation Policies: Section 1260, Overtime Pay and Section 1480, Compensatory Leave
- B. Analysis of Submitted Comments from Review Period for MSR&R Chapters 1200 and 1400 (Informational Item Only)
- C. Letter from Merit System Board Chair Steven Cohen Recommending Policy Amendments
- D. Research: Comparison of Agencies' Overtime

ATTACHMENT A

Drafted Revisions to Relevant Sections of the Merit System Rules and Regulations Covering Overtime Compensation Policies

This attachment presents amendments to relevant sections of the Merit System Rules and Regulations covering overtime compensation policies: **Section 1260, Overtime Pay** and **Section 1480, Compensatory Leave**.

Key to Policy Amendments:

Double Underline: Recommended additions

Strikeout: Recommended deletions

Bold Italicized: Drafting comments on proposed amendments

1
2 Subject to the determination of the Department Head, based on the availability of funds and work
3 program considerations, part time Merit System employees may request either Compensatory
4 Leave or overtime pay for hours beyond their normal work week up to the fortieth (40th) hour,
5 based on the availability of funds and work program considerations. *(Note to Draft Reviewer:
6 Deleted paragraph incorporated in new Section 1261.1, below.)*

7
8 Pursuant to the Fair Labor Standards Act, eligible employees are paid at an overtime rate of one
9 and one-half (1½) for authorized hours worked beyond forty (40) hours in a seven-day work week.
10 Employees who are exempt from the Fair Labor Standards Act may or may not be eligible for
11 overtime compensation, either pay or Compensatory Leave, according to Commission policy.

12 *(Note to Draft Reviewer: Deleted paragraph incorporated in new Section 1261.2, below.)*

13
14 **Note to Draft Reviewer:** Proposed amendments to 1261 clarify the application of the Fair Labor Standards
15 Act (FLSA) which establishes overtime requirements. The FLSA mandates overtime for hours beyond 40
16 only when they are worked by positions categorized as Non-Exempt. Hours below 40 do not fall within the
17 definition of overtime.

18 1261 Compensation for Hours Worked

19 1261.1 Part-time Merit System employees are regularly scheduled to work less than 40 hours
20 per work week. All extra hours beyond the normal schedule must be approved by the
21 Department Head or his/her designee. Subject to the determination of the Department
22 Head and based on the availability of funds and work program considerations, ~~part-~~
23 ~~time Merit System~~ employees may request either regular pay or Compensatory Leave
24 (at straight time) ~~or overtime pay~~ for hours worked beyond their normal work week up
25 to the fortieth (40th) hour, ~~based on the availability of funds and work program~~
26 ~~considerations.~~

27
28 1261.2 Work that May Qualify for Overtime Compensation: Pursuant to the Fair Labor
29 Standards Act, ~~eligible~~ employees who hold positions classified as non-exempt from the
30 Fair Labor Standards Act, are paid at an receive overtime compensation at a rate of one
31 and one-half (1½) for each authorized hours worked beyond forty (40) hours in a seven-
32 day work week. See also Section 1262, Non-Exempt Employees.

1
2 The Fair Labor Standards Act does not mandate overtime compensation for ~~E~~employees
3 who are in positions classified as exempt from the Fair Labor Standards Act. Exempt
4 positions may or may not be eligible for overtime compensation either pay or
5 Compensatory Leave, according to Commission policy. See also Section 1263, Exempt
6 Employees.

7
8 1262 ~~1261~~ **Non-Exempt Employees**

9 Employees who are identified by the Fair Labor Standards Act as non-exempt shall receive
0 overtime compensation in the form of overtime pay or Compensatory Leave. This overtime
1 compensation shall be at a rate of one and one-half (1½) times their the employee's regularly
2 assigned hourly rate for each authorized hour of overtime beyond the fortieth (40th) hour in a
3 workweek. All overtime must have prior approval of the Department Head. The employee may
4 request the specific form of overtime compensation; however, it is subject to Department Head
5 approval based on the availability of funding and work program considerations. See also Section
6 1480 which addresses the administration of Compensatory Leave.
7

Note to Draft Reviewer: As explained in Section III of the memo accompanying this policy draft (see Proposed Policy Amendment #1), amendments to Section 1263:

- Remove the "only in exceptional cases" condition which presently must be met before exempt positions at Grade J are eligible for overtime. This change allows employees in Grade J positions to be considered for overtime under the same conditions that are in place for positions at Grade I and below.
- Align overtime calculations for exempt employees with the standard bi-weekly pay period of 80 hours. This change permits "flexing" out of extra work hours over a two-week period. When extra hours cannot be flexed, overtime compensation may be authorized as defined in the policy.

8
9
0 1263 ~~1262~~ **Exempt Employees**

1 Pursuant to Sections 1261, the Department Head may authorize overtime compensation for
2 ~~E~~employees who are identified as "exempt" from the requirements of the Fair Labor Standards
3 Act. Eligibility for overtime and the form of overtime compensation that may be granted is
4 outlined in subsections 1263.1-1263.3. In all cases, overtime compensation may be granted only
5 when authorized work hours exceed eighty (80) hours in the standard biweekly period and the
6 extra hours cannot otherwise be flexed out in the same pay period.
7

1 Subject to work program needs, the supervisor should consider the use of flexing to permit an
2 exempt employee to offset absences within the pay period. For example, if an individual is
3 authorized to work extra hours that are anticipated to result in more than a total of 80 hours
4 being worked by the end of the pay period, the supervisor may authorize the employee to use
5 the extra hours for time off from other scheduled work hours in the same pay period.
6

7 1263.1 Exempt employees assigned to the Merit System Pay Schedules at Grade I (or
8 equivalency) and below may be approved eligible for Compensatory Leave at a rate of
9 one (1) hour of leave for each hour of authorized overtime worked beyond the
0 standard work week of forty (40) hours. In exceptional cases, a Department Head may
1 grant overtime pay at a rate of either straight time, or time at one and one-half (1½),
2 dependent upon work program needs and availability of funds. Overtime
3 compensation may be considered only for authorized hours beyond 80 in a pay period
4 that cannot otherwise be flexed. See also Section 1481 which addresses the earning
5 of Compensatory Leave.
6

7 1263.2 Exempt positions assigned to the Merit System Pay Schedules at Grade J (or
8 equivalency) may be authorized for Compensatory Leave at a rate of one (1) hour of
9 leave for each hour of authorized overtime. These positions are not eligible for
0 overtime pay. See also Section 1481.2.a, which addresses the earning of
1 Compensatory Leave.
2

3 1263.3 ~~1262.1~~ Employees who are assigned to the Merit System Pay Schedules at ~~Grade J~~ Grade
4 K (or its equivalency) and above are not eligible for overtime compensation in the
5 form of overtime pay. In exceptional cases, Compensatory Leave at a rate of one (1)
6 hour of leave for each hour of overtime worked may be granted only with Department
7 Head approval. See also Section 1483 which addresses Limitations on the Earning of
8 Compensatory Leave.

9 ***Note to Draft Reviewer: The following Sections (1263 and 1264) have been moved and incorporated***
0 ***into Section 1260 as these concepts define the basis for overtime policies.***

1
2 ~~1263 All employees assigned within the same pay grade must be treated equitably with respect to~~
3 ~~the payment of overtime.~~
4
5

1 ~~1264~~ The Classification Plan shall identify by class specification, those employees who are eligible
2 to receive overtime, as defined by the Fair Labor Standards Act. Identification shall include
3 designation of positions as non-exempt or exempt from overtime, as defined by the Fair Labor
4 Standards Act.

5
6 **Note to Draft Reviewer:** *The following Section (1265) has been moved and incorporated into revised*
7 *Section 1260, to highlight the approval process at the beginning of the overtime policy. Other elements of*
8 *this section have been incorporated in Section 1261, Compensation for Hours Worked.*

9
0 ~~1265~~ **Approval of Overtime**

1 ~~Overtime pay and/or Compensatory Leave shall be specifically authorized by the Department~~
2 ~~Head and approved by the Department Head or his/her designee. Approval must be obtained~~
3 ~~prior to an employee working overtime.~~
4

1
2 **Note to Draft Reviewer:** *The compensation rate for overtime is based on the employee's position*
3 *classification as "exempt" or "non-exempt" from overtime regulations under the Fair Labor Standards Act.*
4 *The deleted text in new Section 1264 (former Section 1266) has been incorporated into earlier sections of*
5 *this policy (see Sections 1262 and 1263).*
6

7 1264 ~~1266~~ **Calculation of Hours Worked**

8 ~~Overtime pay at the rate of one and one-half (1½) times the assigned rate will not be granted~~
9 ~~until an eligible employee has worked at least forty (40) hours in a work week.~~ For the purposes
0 of calculating hours worked in a week, the time an employee is in an authorized leave with pay
1 status or holiday leave status shall be counted.
2

3 1265 ~~1267~~ **Alteration of Work Day or Work Week**

4 Subject to the Fair Labor Standards Act and Commission policy, employees on alternate work
5 schedules may request reasonable alterations to their standard scheduled work day or work
6 week. The Department Head must ensure that the approved alternate work schedule does not,
7 in itself, result in overtime compensation (see Commission Practice 2-18, Work/Life Program).
8
9

1 **CHAPTER 1400: EMPLOYEE LEAVE: PERSONAL, ANNUAL, SICK, AND COMPENSATORY**

2 **Subsection 1480 Excerpted**

3
4 **1480 Compensatory Leave**

5 Compensatory Leave is paid leave which may be granted in lieu of payment for: authorized hours worked
6 beyond the employee's regularly scheduled work hours; overtime pay; premium pay (emergency work
7 pay); or holiday pay.

8
9 Compensatory Leave balances may be used to cover towards authorized absences from work while
0 remaining in a paid leave status. The earning and use of Compensatory Leave must have prior
1 Department Head approval. Approval of Compensatory Leave is subject to the availability of funds and
2 work program considerations.

3
4 **Note to Draft Reviewer:** *The following amendments clarify the requirements for earning Compensatory*
5 *Leave. Some sections have been reorganized for consistency with overtime provisions in Chapter 1200.*

6
7 **1481 Earning of Compensatory Leave**

8 1481.1 Hours Worked Within the Standard Work Week/Pay Period: Part-time Merit System
9 employees shall be granted either regular pay or Compensatory Leave ~~or at~~ straight
0 time ~~pay~~ for all authorized hours worked in excess of their normal work week up to
1 and including the fortieth (40th) hour. The form of compensation shall be
2 determined by the Department Head subject to work program needs and funding.

3
4 1481.2 Hours Worked Beyond the Standard Work Week: Authorized hours worked beyond
5 the employee's standard work week of forty (40) hours period shall be compensated
6 in accordance with Section 1260, Overtime Compensation ~~overtime provisions (see~~
7 ~~Chapter 1200, Employee Compensation)~~. The following provisions address the
8 amount of Compensatory Leave which is available in lieu of authorized overtime pay.

9
0 1481.2.a ~~1481.2. b~~ Employees who Positions that are identified as "Non-
1 exempt" under the Fair Labor Standards Act: Consistent with Section
2 1262 of the Merit System Rules and Regulations, non-exempt
3 positions are ~~must be~~ compensated at a rate of one and one-half (1½)
4 times their regular rate for all authorized hours worked beyond the
5 standard work week of forty (40) hours.

1 Subject to the determination of the Department Head, the availability
2 of funds and work program considerations, employees ~~may~~ receive
3 overtime compensation at a rate of one and one-half (1½) through pay
4 or Compensatory Leave. Compensatory Leave is earned at a rate of
5 one and one-half (1½) hours of leave for each hour worked. These
6 hours are compensated through overtime pay in accordance with
7 Chapter 1200, Employee Compensation, Section 1260, Overtime ~~Pay~~
8 Compensation.

9
0 *As explained in Section III of the memo accompanying this policy draft (see Proposed
1 Policy Amendment #2), amendments to renumbered Section 1481.2.b establish a bi-
2 weekly payperiod of 80 hours for purposes of overtime compensation using
3 Compensatory Leave. This change is applicable only to employees who are classified
4 as exempt from the Fair Labor Standards Act. The change encourages flexing out of
5 extra work hours over a two-week period. Consistent with Section 1260, overtime
6 compensation using Compensatory Leave may be granted when extra work hours
7 cannot be flexed out in the pay period.*

8
9 1481.2.b ~~1481.2.a~~ **Employees who Positions that are “Exempt” from the Fair Labor**
0 **Standards Act:** Section 1263 of the Merit System Rules and Regulations describes
1 exempt employee positions that may be eligible for Compensatory Leave as a
2 form of overtime compensation. When Compensatory Leave is authorized, it is
3 earned at straight time which is one (1) hour of leave for each authorized hour
4 worked beyond the standard pay period of eighty (80) hours work week of forty
5 (40) hours.

6
7 Consistent with Section 1263 ~~1262 of the Merit System Rules and Regulations~~, for
8 ~~these employees~~, in exceptional cases and subject to availability of funds,
9 Department ~~Directors~~ Heads may grant certain exempt positions overtime
0 compensation through pay at either straight time or at one and a half (1½) times
1 the employee’s regular rate of pay. However, the Compensatory Leave option in
2 lieu of pay is only available when overtime compensation is approved at straight
3 time. Compensatory Leave in lieu of one and a half (1½) pay is not available to
4 exempt positions. See also, Section 1483, Limitations on the Earning of
5 Compensatory Leave, as they apply to positions at Grade K or equivalent.
6

1
2
3 1482 **Application for Use of Compensatory Leave**

4 Use of Compensatory Leave balances shall be approved at such time as may be deemed in the
5 public interest and convenient to the employee's department. Employees shall apply for use of
6 Compensatory Leave in advance. Compensatory Leave shall be granted subject to the following:

- 7 1482.1 Compensatory Leave shall be granted in minimum increments of one-half (½) hour.
8 1482.2 Compensatory Leave may be granted at any time following the period in which it is
9 earned.
0 1482.3 Subject to requirements of the Fair Labor Standards Act and the Family and Medical
1 Leave Act, whenever an employee requests use of paid leave other than sick leave,
2 the first use of leave shall be Compensatory Leave.
3
4

5 **Note to Draft Reviewer:** Proposed amendments in Section 1483 incorporate amendments to Overtime
6 policy Sections 1260-1263 which allow Grade J employees to be considered for overtime without requiring
7 "exceptional" situations. Overtime limitations continue to apply to positions at Grade K and above.
8

9 1483 **Limitations on the Earning of Compensatory Leave**

0 Consistent with Section 1260 of Merit Rules and Regulations, employees holding positions at
1 Employees Grade "J" Grade K (or its equivalency) and higher, including and Park Police
2 Officers/Command staff, of Captains and higher, shall not earn Compensatory Leave except
3 when such leave is approved by their Department Head for exceptional situations.

4
5 Career-Merit employees who are subsequently promoted to pay Grades "J" Grades K (or its
6 equivalency) and above may exhaust any use earned-accrued Compensatory Leave balance
7 balances to its expiration or if separated Upon separation from the Commission, can be given a
8 lump sum payment shall be administered in accordance with Section 1485, Payment of
9 Compensatory Leave Upon Separation from Employment.
0
1
2
3
4
5

Note to Draft Reviewer:

As explained in Section III of the memo accompanying this policy draft (see Proposed Policy Amendment #1), amendments to Section 1484 modify the year-end carryover of Compensatory Leave balances from 160 hours to 120 hours. Year-end balances that exceed the 120-hour limit will be transferred to the employee's Sick Leave balance. The amendments:

- Only affect positions that are classified as exempt from the Fair Labor Standards Act.
- Are effective December 31, 2014 to permit use of existing Compensatory Leave balances.

It should be noted that language has been added in Section 1263 to permit "flexing" of extra hours worked within the same two week pay period. This should reduce the amount of Compensatory Leave that is accrued.

1484 Limitations on Accumulation and Transfer of Compensatory Leave

1484.1 Compensatory Leave Earned by Employees "Exempt" From the Fair Labor Standards Act:

Authorized straight time Compensatory Leave balances are not limited within a calendar year. However, the amount of Compensatory Leave which may be transferred from one (1) calendar year to the next is ~~one hundred and sixty (160) hours~~ one hundred and twenty (120) hours. This carryover maximum is effective December 31, 2014.

Unused Compensatory Leave in excess of ~~one hundred and sixty (160) hours~~ one hundred and twenty (120) hours shall automatically be credited to the employee's sick leave account following the end of the calendar year. Section 1482 of the Merit System Rules and Regulations should be consulted regarding the required use of Compensatory Leave balances before other forms of accrued leave.

1484.2 Compensatory Leave Earned by Employees Who are "Non -Exempt" From the Fair Labor Standards Act: Compensatory Leave earned at a rate of one and one-half (1½) hours, may not exceed an accumulated balance of eighty (80) hours during the calendar year.

Any excess Compensatory Leave hours that remain after December 31 shall be paid out in full to the employee. While leave is accrued at a rate of one and one half times, every hour that is accrued will be paid at the employee's regular rate of pay at the time of payout. Payment shall be made following the first pay period of the new calendar year.

1
2 1484.3 Employees who move to another position with a change in the Fair Labor Standards Act
3 exemption:

4 1484.3.a An employee who moves from a position that is “non-exempt” to one that is
5 “exempt” shall be required to receive a full payout of all accrued
6 Compensatory Leave which was earned at a rate of one and one-half times
7 (1½).

8
9 Compensatory Leave hours earned at one and half times (1½) will be credited
0 to an employee’s leave balance at that rate. However, every hour that is
1 accrued will be paid at the employee’s regular rate of pay at the time of
2 payout. The payout shall be effective the same pay period as the
3 appointment to the exempt position.

4
5 1484.3.b An employee who moves from a position that is “exempt” to one that is
6 “non-exempt” shall retain accrued Compensatory Leave earned as an
7 “exempt” employee, consistent with the maximum described in Section
8 1484.1. Once the employee is appointed to a non-exempt position,
9 Compensatory Leave earned at a rate of one and one-half times (1½) leave
0 earned shall be tracked separately, consistent with Section 1484.2.

1
2 1485 **Payment of Compensatory Leave Upon Separation From Employment**

3 All Compensatory Leave, which is eligible for payment, shall be paid at the employee’s regular rate
4 of pay (straight time) for each hour accrued. In accordance with Section 1484 and the Fair Labor
5 Standards Act, the following provisions apply:

6
7 1485.1 Compensatory Leave earned at straight time: An employee who separates employment
8 in good standing or retires from the Commission shall receive payment for up to eighty
9 (80) hours of his/her accumulated Compensatory Leave balance that was earned at a
0 rate of straight time.

1
2 1485.2 Compensatory Leave earned at a rate of one and one-half times (1½): Consistent
3 with the Fair Labor Standards Act, Compensatory Leave, which is earned by non-
4 exempt employees for purposes of overtime compensation, shall be tracked
5 separately from any Compensatory Leave earned at straight time.

Analysis of Submitted Comments and Staff Analysis
Proposed Amendments to Merit System Rules and Regulations,
Chapters 1200 and 1400 (Overtime Policies)

Proposed amendments on overtime policy were released for a mandatory 30-day review by non-represented Merit System employees/managers. This document presents submitted comments by the relevant policy section, along with corresponding research and recommendations prepared by the Policy Office.

Section: 1260, Overtime Compensation:

1. Comment/Question Submitted by Montgomery Planning?

Under the changes proposed for 1260, could you tell me what “subject to availability of funding” means? Funding of the entire MNCPPC MoCo Planning budget? Funding of a specific project?
Thanks so much,

Policy Staff Response: *“Subject to available funding” is standard language used in policy. It typically refers to the amount of funding available within the department. The departmental funding is tied to Planning Board/Commission actions and Council budget actions.*

Section: 1263, Exempt Employees:

2. Comment/Question Submitted by Montgomery Parks/Park Police?

I think it’s unfair that exempt employees receive comp time at the rate of one-to-one. I believe it should be 1-1/2 rate. What is the incentive for these people to work beyond their normal schedule? I understand no overtime but they should be encouraged to work comp time by giving the 1-1/2 rate.

Policy Staff Response: *The Commission’s policies are tied to the federal wage laws under the Fair Labor Standards Act (FLSA). The FLSA only requires employers to compensate “non-exempt” positions for overtime (hours that exceed 40 in a workweek). The law does not require employers to compensate “exempt” employees for any overtime. However, like many public employers, the M-NCPCC has decided to recognize “exempt” employees through overtime options such as flexing out of extra hours for an equivalent amount of time off within the same pay period; earned Compensatory Leave at straight time that may be used at a later date for time off; or, in some limited cases, pay for overtime work.*

3. Comment/Question Submitted by Prince George’s Parks and Recreation:

Can you please inform me of what positions I[n] the Commission are considered Exempt and which are considered non- exempt? Also I [am] unfamiliar with the terminology in fair labor practices so what are employees exempt from? What is the basis for determining how the positions are classified?

Policy Staff Response: *The definition of exempt and non-exempt are explained in the policy with respect to applicability for overtime under the federal law, the Fair Labor Standards Act (FLSA). The policy explains that in accordance with the FLSA, employees in certain positions must be paid*

at a rate of 1 ½ their regular rate of pay for all hours worked over 40 in a standard workweek. These positions are commonly referred to as “non-exempt” as they are not exempt from the requirements of the law for overtime. Employees, who are in positions classified as “exempt”, are excluded from the law and therefore, employers are not required to pay overtime. While M-NCPPC is not required to compensate overtime worked by exempt employees, it has elected to offer some overtime compensation (such as Compensatory Leave) to exempt employees.

The agency designates each position as “exempt” or “non-exempt” based on an evaluation of position duties along with a series of FLSA tests/standards that must be used to determine the appropriate designation. A listing of positions and the respective FLSA designation is issued by the Human Resources Division. Employees can view the complete listing of position class specifications by visiting the following links:

- <http://www.mncppcapps.org/mncppc/classification/AdobePDFFormat/0000 AllClassSpecs.pdf>
- http://insite.mncppc/Our_People/Classification_and_Compensation/Classification_Specifications.html.

The “E” and the “N” in the FLSA Code column indicate whether the position is Exempt (E) or Non-Exempt (N) from FLSA mandates. Employees may also contact the Classification and Compensation Division with questions relating to their specific position classification.

Section: 1250, Pay Adjustments and Salary Equity (comment falls outside of current review):

4. Comment/Question Submitted by Prince George’s Parks and Recreation:

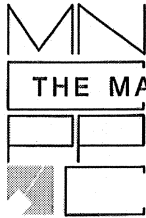
[I am] particularly interested in whether the following sections are still being considered for inclusion in the Merit rules:

14-01 Section 1250 - Pay Adjustments Amendments affirm principles of equal pay for equal work and internal salary equity. New language in this section also enables the Executive Director to authorize pay adjustments higher than standard amounts when needed to address salary equity concerns. Draft Amendments to the Merit System Rules & Regulations: Chapter 1200, Employee Compensation Page 2 of 9

Section 1256 - Within Grade Pay Adjustments (Salary Equity Adjustments) This new section allows the use of salary equity adjustments when significant differences in pay exist among employees within the same position classification. Section 1257 - Retention Incentives This new section provides the ability to utilize counter offers as retention incentives when an employee is considering external employment.

I would advocate strongly for implementation of these amendments and would like to know if they are still being considered. I would very much appreciate being told if these proposals are still being considered. I can think of a number of instances within the department (including within the shop that I supervise) where having this kind of latitude would enable fixing some very long-standing inequities.

Policy Staff Response: *The referenced sections in the reviewer’s comments fall outside of the present policy review that focuses on overtime policies. Instead, the referenced sections in the comments relate to salary equity reviews/adjustments. The salary equity provisions were adopted by the Commission in May and go into effect July 1, 2014.*



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MERIT SYSTEM BOARD
6611 Kenilworth Avenue, Suite 101B
Riverdale, Maryland 20737
(301) 454-1427

June 18, 2014

To: The Commission

From: Steven R. Cohen, Chair
Merit System Board

A handwritten signature in black ink, appearing to read 'Steven R. Cohen'.

Re: Merit System Rules and Regulations Revisions on Overtime Policies – Chapter 1200 and Chapter 1400

Under the expert direction of Anju Bennett, Division Chief, Corporate Policy and Management Operations, the Merit System Board has conducted a review of amendments to Chapter 1200 and Chapter 1400 of the Merit System Rules and Regulations. This review considered policy proposals, recommendations made by the Policy office, Department Heads and the Executive Committee, and comments submitted by employees and management during the mandatory policy review period.

The final version being submitted, which considers those comments and recommendations by employees and management, is fully supported by the Merit System Board.

Research: Comparison of Agencies' Overtime Programs

Comparison of Overtime Compensation Policies:

Staff analyzed the policies of M-NCPPC, Montgomery County and Prince George's County. Information was also requested from a number of other agencies; however data was not complete to provide a meaningful comparison.

Our review found that the three jurisdictions share similar approaches to overtime compensation in that both non-exempt and exempt employees can be approved for overtime compensation. Additionally, overtime programs in all three agencies provide compensation options which include overtime pay and/or Compensatory Leave.

Both Montgomery and Prince George's Counties have multiple collective bargaining units, with sometimes significant variations among each contract. Because of this, our research focused on policies that apply to the general workforce. It should be noted that in M-NCPPC's case, our policies remain fairly consistent across non-represented and represented employees. M-NCPPC employees who are non-represented (Merit and contract) as well as employees represented by MCGEO, have similar application of overtime policies. The agreement for FOP employees has minor variations due to the nature of their work.

I. Key Differences Among Agencies:

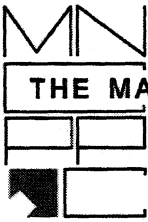
- **M-NCPPC:** Our program adheres to FLSA requirements for overtime. This is because the FLSA required overtime rate of 1 ½ is generally limited to non-exempt employees. Because exempt employees are not covered by FLSA mandates for 1 ½ overtime, the agency provides for more limited overtime compensation using the straight time rate. Overtime for exempt employees is generally limited to Grades below J.
- **Montgomery County:** The County provides for greater overtime benefits than those adopted by M-NCPPC or Prince George's. Most non-exempt and exempt positions are generally compensated for authorized overtime at a rate of 1 ½. Exempt employees in senior level positions (Grade 25 and above) are compensated through straight time Compensatory Leave. Exempt employees in leadership positions (as defined in Section II), are precluded from receiving overtime.
- **Prince George's County:** The County's overtime program generally allows overtime compensation at a rate of 1 ½ for non-exempt positions. However, the County utilizes a hybrid approach to compensate exempt employees. Some exempt employees are eligible for overtime at 1 ½. Others are limited to receiving overtime at straight time or are completely precluded from earning overtime, based on the method of timekeeping. The County limits overtime compensation for employees in senior level and management positions.

Other differences among the three agencies exist in the amount of leave which may be carried over from one year to the next, and in the amount that may be paid out when an employee separates. These are addressed in the policy comparison chart that follows.

	M-NCPPC	Montgomery County	Prince George's County
Intro	<p>The agency provides two options for compensating employees for <u>authorized work over 40 hours in a week</u>. The policies comply with federal and state wage laws and provide some flexibility in the method of compensation.</p>	<p>Similar to M-NCPPC, Montgomery County government offers two overtime compensation options: overtime pay and compensatory leave. Eligibility for each of these categories of compensation is based on the employee's position classification as either exempt or non-exempt from FLSA. Montgomery County's overtime rates provide for higher compensation to exempt employees than provided by M-NCPPC.</p>	<p>Similar to M-NCPPC, Prince George's County offers two overtime compensation options: overtime pay and compensatory leave. Eligibility for each of these options is based on the employee's classification as either "exempt" or "non-exempt" from FLSA.</p>
Eligibility for Overtime	<ul style="list-style-type: none"> ▪ <u>Non-Exempt Employees</u>: In accordance with FLSA, employees in certain positions must be paid at a rate of 1 ½ their regular rate of pay for all hours worked over 40. These positions are commonly referred to as <u>non-exempt</u> as they are not exempt from the requirements of the law. These employees are generally compensated with overtime pay. Compensatory leave at a rate of 1 ½ hours for each hour of overtime worked can also be selected in lieu of overtime pay, however it is subject to accrual limitations. 	<p>While the M-NCPPC follows FLSA in that overtime compensation starts after the employee exceeds 40 hours in a workweek, Montgomery County permits overtime compensation when either of the following situations is met:</p> <ul style="list-style-type: none"> - The employee has worked more than 40 hours in a workweek. - The employee has exceeded the normal workday hours. Normal work can range between 8-12 hours depending on the position. 	<ul style="list-style-type: none"> ▪ <u>Non-exempt Employees (up to Grade 17)</u>: These employees receive 1 ½ pay for all hours worked beyond 40 in a work week. Compensation is generally provided through overtime pay. However, employees may request compensatory leave at the 1 ½ rate in lieu of overtime pay.
Non-exempt	<ul style="list-style-type: none"> ▪ <u>Non-Exempt Employees</u>: These employees receive 1 ½ pay when either of the conditions indicated above are met. These employees are compensated through overtime pay unless: <ul style="list-style-type: none"> - The employee requests and the supervisor approves compensatory leave; or - The department director determines that the cost of overtime pay cannot be accommodated within the department's existing budget appropriations and the FLSA does not require the department director to give overtime pay. 		

<p>Eligibility for Overtime</p> <p>- Exempt</p>	<p>M-NCPPC</p> <ul style="list-style-type: none"> ▪ <u>Exempt Employees</u>: M-NCPPC provides limited overtime compensation to employees who are exempt from the requirements of FLSA. Exempt employees below Grade J may be considered for overtime pay at their regular rate of pay (straight time). In exceptional cases, employees at Grade J or above may be approved for overtime by their respective Department Director. <p>Exempt employees may "flex out" extra hours within a pay period. When hours cannot be flexed, overtime is generally compensated through compensatory leave which may be used at a later date. While overtime pay (at straight time) may be granted in lieu of compensatory leave, it requires approval by the Department Director and is subject to availability of funds.</p>	<p>Montgomery County</p> <ul style="list-style-type: none"> ▪ <u>Exempt Employees</u>: The County utilizes three separate methods of compensation for exempt employees. <ul style="list-style-type: none"> - <u>Exempt Employees, Grade 24 or Below</u>: These employees, which are similar to our grades G-I, receive 1 ½ pay when either of the conditions are triggered. Compensation is generally provided through the use of compensatory leave earned. In exceptional cases, the Department Director can approve overtime pay in lieu of leave if the cost of overtime pay can be accommodated within the department's budget, and amount of overtime work needed is so great that the employee would not be able to use the compensatory leave earned during the leave year. - <u>Exempt Employees, Grade 25 or Above (excluding Management Leadership Service Employees)</u>: These positions are similar to our grades J-K in that they are compensated at straight time. Employees are encouraged to flex any extra hours worked between 40-45 in a workweek. Flexing must be done in the same bi-weekly pay period. If flexing is not possible, the employee receives compensatory leave at straight time. Hours beyond 45 are also compensated with straight time compensatory leave. - <u>Exempt Employees Who Fall within the Management Leadership Service (MLS) category</u>: These positions are considered high-level management/staff in positions significantly directing and influencing the operation of County departments and agencies. These positions are not eligible for any overtime compensation. 	<p>Prince George's County</p> <ul style="list-style-type: none"> ▪ <u>Exempt Employees</u>: Exempt employees are eligible for overtime compensation after exceeding 80 work hours in a bi-weekly pay period. These employees may be eligible for overtime at straight time or at a rate of 1 ½, depending on their position grade and the manner in which they must track/record time worked. <ul style="list-style-type: none"> - <u>Grades 18-24</u>: Employees may receive overtime compensation at the rate of 1 ½ via overtime pay, or compensatory leave. - <u>Grades 25 through 33</u>: Employees can receive overtime through compensatory leave at the straight-time rate. In exceptional cases, overtime pay is also available at either the straight-time or at the 1 ½ with approval of the Chief Administrative Officer. These positions are similar to our Grade J and above. Overtime for these positions is delineated based on the method of timekeeping used. <ul style="list-style-type: none"> o Employees who use a time clock method to capture "real-time" hours of work earn compensatory leave at straight-time. In exceptional cases, overtime pay at either straight-time or 1 ½ is available when it is approved by the Chief Administrative Officer. o Employees who manually self-report hours are precluded from earning overtime compensation. This includes positions such as Senior Accountants IV-V and Senior Attorneys.
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	M-NCPPC	Montgomery County	Prince George's County
<p>Max Accumulation of Compensatory Leave Within the Year</p>	<ul style="list-style-type: none"> ▪ <u>Non-exempt Employees:</u> Compensatory leave earned at a rate of 1 ½ hours may not exceed an accumulated balance of (80) hours during the calendar year. ▪ <u>Exempt Employees:</u> Straight time compensatory leave balances are not limited within a calendar year. 	<p>Policy does not define any accrual limitations within the year.</p>	<ul style="list-style-type: none"> ▪ <u>Compensatory Leave Earned at the 1 ½ Rate:</u> Up to 240 hours of 1 ½ compensatory leave may be accrued. Any additional overtime work hours must be compensated through overtime pay at 1 ½. ▪ <u>Compensatory Leave Earned at Straight Time:</u> There is no limit to the amount of straight time compensatory leave that may be accrued.
<p>Max Amount of Compensatory Leave That Can Be Transferred Each Calendar Year</p>	<ul style="list-style-type: none"> ▪ <u>Non-exempt Employees:</u> Up to eighty (80) hours can be rolled over from one year to the next. Any excess leave must be paid out. ▪ <u>Exempt Employees:</u> The amount of compensatory leave which may be transferred from one calendar year to the next is 160 hours. Unused compensatory leave in excess of 160 hours is automatically credited to the employee's sick leave account following the end of the calendar year. 	<p>Employees can carry over 80 hours at the end of the leave year.</p> <ul style="list-style-type: none"> ▪ <u>Compensatory Leave Earned at 1 ½ Times:</u> Compensatory leave hours in excess of 80 hours must be paid unless the employee gives written notice to the Human Resources Director that he/she wants to carry over the excess compensatory leave for one year. ▪ <u>Compensatory Leave Earned at Straight Time:</u> Any leave in excess of 80 is automatically credited to the employee's sick leave account following the end of the calendar year. The Chief Administrative Officer may grant an exception, whereby employee must use the excess by the end of the next leave year. 	<p>Policy does not define any transfer limitations for calendar year. The County advised that it follows the year maximum accumulation which is explained above.</p>
<p>Payment of Compensatory Leave upon Separation from Employment</p>	<ul style="list-style-type: none"> ▪ <u>Compensatory Leave Earned at the 1 ½ Rate:</u> All compensatory leave hours which are earned at a rate of one and one-half times (1 ½) must be fully paid upon separation from employment. ▪ <u>Compensatory Leave Earned at Straight Time:</u> Employees are paid for up to eighty (80) hours. 	<ul style="list-style-type: none"> ▪ <u>Compensatory Leave Earned at the 1 ½ Rate:</u> All unused compensatory leave is paid out. ▪ <u>Compensatory Leave Earned at Straight Time:</u> Up to 80 hours of unused compensatory leave is paid. ▪ <u>Death of Non-exempt or Exempt Employees:</u> The beneficiary or estate receives payment for unused compensatory leave. 	<ul style="list-style-type: none"> ▪ <u>Compensatory Leave Earned at the 1 ½ Rate:</u> All compensatory leave hours must be fully paid upon separation from employment. ▪ <u>Compensatory Leave Earned at Straight Time:</u> Any unused compensatory leave is forfeited and ineligible for cash payment.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

To: Anju Bennett, Chief, CPMO

From: Arthur Rivera, Classification and Compensation 

Re: Eligibility for Overtime Pay/ Compensatory Leave in Montgomery and Prince George's County

We were asked to review the overtime policies of the two counties for positions that are most similar to the Commission's Grade J and K. This memo provides the outcome of our research based on a sample of positions. Please note, positions similar to our Grade I are eligible to receive overtime compensation through compensatory leave or pay at the 1 ½ rate.

Prince George's County:

According to Prince George's County Compensation and Benefits 2012 Legislative Session Resolution No. CR-13-2012, General Schedule Employees - Salary Schedule G, Section 7.A.2.b:

Employees assigned to General Schedule Grades 25 through 33 who use the Electronic Timesheet System (E-Time Entry) to capture machine-stamped or "real-time" daily hours of work are eligible to earn County compensatory leave at a straight-time rate (100%) with the written approval of the Appointing Authority. Overtime compensation in the form of pay at either the straight-time rate (100%) or the one and one-half rate (150%) requires the written approval of the Chief Administrative Officer.

Montgomery County:

Montgomery County exempt employees' grades 25 and above are eligible to earn County compensatory leave, on an hour for hour basis.

Cross-Comparison:



Trying to do a side-by-side labor category crosswalk has been challenging, as many of the position descriptions and job titles do not naturally match. However, it appears that some positions in Prince George's and Montgomery Counties may be equivalent to our J and K levels, in terms of experience requirements and types of duties. Similar/equivalent positions that are entitled to Overtime Compensation are outlined in the table below:


COUNTY POSITION TITLE	Grade / M-NCPPC Equivalency	M-NCPPC POSITION TITLE	Grade
Prince George's County		M-NCPPC	
Accounting Service Manager	G-31 / K	Finance Manager II	K
Associate Director	G-33 / K	Parks & Recreation Division Chief	K
Engineer IV	G-30 / J	Engineering Supervisor	J
Attorney II*	G-24 / J	Associate General Counsel II	J
Montgomery County		M-NCPPC	
Manager II	M2 / K	Parks & Recreation Division Chief	K
Manager III	M3 / J	Assistant Parks Division Chief	J
Assistant County Attorney III	32 / J	Associate General Counsel II	J

* We found that Grades 24 through 30 were most similar to our Grade J.

July 16, 2014

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patti Barney, Executive Director 
William Spencer, Human Resources Director 

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Recommendations for Health Benefit Changes for Calendar Year 2015

Action Requested

Adopt recommendations for benefit plan design changes for calendar year 2015 as noted below.

Summary of Plan Changes and Cost Impact as Initially Presented by Staff

Plan Design Change	Cost Impact
Implement Step Therapy for specialty drugs.	3 year savings of \$127k .
Add the Pharmacy Advisor program to the prescription plan.	\$17k in annual fees, with an estimated \$150k in medical plan savings.
Add Prior Authorization for compounded drugs with a \$300 or greater ingredient cost.	May have some savings, but not able to quantify until the program goes live.
Extend dental and vision coverage for children up to age 26.	No immediate impact, but premiums may increase in the future if we experience much higher utilization. However, reduction in the administrative costs/burden for administering the current program may help offset costs.
Change the Vision Service Plan type from Signature (premier) to Choice.	Current utilization indicates that premiums will increase significantly at the next renewal for 1/1/2016. Our plan design is also not up to industry standard. Changing to Choice will reduce claims costs, mitigating the expected increase in rates and bring the plan up to industry standards.
Waive the 8/4 hours contributions for Sick Leave Bank in 2015 for current members.	Reduce the growing bank balance.
Increase Supplemental Life Insurance by adding an additional 2 levels that will allow employees to elect up to 5 times their annual salary with a maximum of \$750,000.	Current option is 1 to 3 times salary up to a maximum of \$300,000. Increased cost to employee if additional coverage is elected, none to the agency.
Increase dependent life insurance coverage, offering three options.	Increased cost to employee if elected, none to the agency.

These recommendations were discussed with the Executive Committee. They supported all recommendations, except for the Prior Authorization for Compounded Drugs. Additional information was requested. They recommended the Choice vision plan, but also asked for some additional information.

BACKGROUND:

Implement Changes to the Prescription Plan

Caremark has recommended a few programs to improve patient outcomes and reduce drug spending.

Step Therapy for Specialty Drugs: Specialty drugs are medications that are used to treat specific low-incidence chronic and/or genetic conditions. These products are typically very expensive and may require member specific dosing, medical devices to administer the medication and/or special handling and delivery. Specialty drug step therapy helps control specialty drug spend while promoting cost-effective care. Similar to the generic step therapy implemented for 2014, the program encourages utilization of clinically appropriate and lowest next cost medications within three therapy classes of specialty drugs: Auto-Immune, Multiple Sclerosis and Infertility. Estimated 3 year savings is \$127K. Members must try a lower cost drug for 30 days before they are approved for the higher cost drug. If they have already tried the lower cost drug in the previous 180 days, they are not subject to the step therapy.

Currently there are approximately 35 members using specialty drugs in the three targeted therapy classes. Current users will be grandfathered. The step therapy will apply only to new users. An appeal process will be available for members. There were no complaints from employees or retirees about the generic step therapy implemented this year. We expect the same for this group of drugs. WSSC and Montgomery College already have this program in place. Montgomery County Government and Montgomery County Schools are not implementing this program at this time. Prince George's County Government has a different Prescription Benefit Manager, Express Scripts.

The Executive Committee supported this change, but requested additional information on how many employees appealed to Caremark for the generic step therapy. This information will be provided at the July Commission meeting.

Pharmacy Advisor Counseling Program: Oftentimes chronic conditions are poorly managed driving the rising costs in health care spend. The Pharmacy Advisor Counseling program helps improve members' health through one-on-one pharmacists counseling (face to face and by phone), tailored messaging, and coordination with health care providers at the most critical point in therapy. This program reinforces adherence from the first fill and throughout therapy, and closes gaps in care for the 10 most prevalent and costly chronic conditions. In addition to improving adherence and closing gaps in care, the program identifies potential drug interactions and other safety concerns such as managing potential non-critical side effects. The cost is \$0.25 per member per month, about \$17K annually, with an estimated \$150K in medical plan savings.

The Executive Committee supported the implementation of this program.

Prior Authorization (PA) for Compounded Drugs: The use and availability of compounded medications are on the rise. Compounding is the combining, mixing, or altering of ingredients to create a customized medication that is not otherwise commercially available. There are concerns about the exceptionally high costs of certain compounded products, as well as patient safety and the compounded medication's efficacy. Many of these multi-ingredient compounds may contain as many as five ingredients, costing well over \$1K and up to over \$16K. Implementing a Prior Authorization for these medications with an ingredient cost exceeding \$300 will ensure appropriate utilization and control drug spend. The PA criteria require that any individual ingredient component being requested must be FDA approved in the same finished dosage form of the compound. For example, if an ingredient is not approved for topical use, it will not be approved for topical use within a compound.

Prior authorization means that the medication must meet nationally approved clinical guidelines prior to being dispensed. When a member presents a prescription that requires PA to the pharmacy, the pharmacist will advise the member that their physician will need to call Caremark. The pharmacy will provide the member with the number for the physician to call. The physician and Caremark will discuss the appropriateness and efficacy of the drug being prescribed based on nationally approved clinical guidelines. Based on the discussion with the physician, a decision will be made if the prescribed therapy meets nationally approved clinical guidelines. The approved guidelines ensure that the drugs being prescribed are not being used for therapy not covered, such as anti-aging, anti-wrinkle, scar diminishing, hair growth or removal, or performance enhancement. The member may request PA before going to the pharmacy by contacting Caremark's customer service. The PA edit applies to all delivery channels (retail, mail, or paper) regardless of where or how the medication is obtained.

Our current drug program already has the Prior Authorization process in place for other drugs such as medications for acne, antifungals, anabolic steroids, testosterone and erectile dysfunction. There is no cost for the program and savings cannot be determined until the program has been in effect for a while. It is possible that all of the drugs are being prescribed appropriately. None of the other local agencies surveyed are implementing this change at this time.

This change was not supported as proposed. The Executive Committee requested additional information on: (1) The Commission's actual experience for compounded drugs to include the number of members using compounded drugs and the claims cost. (2) Whether a consultation process, instead of the PA, may be added to contain cost, but still allows the doctor to have the final decision. (3) Clarify whether Caremark makes the final decision and the percentage of denials.

Extend Dental and Vision Coverage for Young Adults to Age 26

The Affordable Care Act (ACA) mandates medical and prescription coverage for children up to age 26, but not for vision and dental coverage. Many employers, including three Prince George's County government agencies and three Montgomery County government agencies, extend coverage for dental and vision coverage to these young adults. M-NCPPC decided to limit the coverage to just the mandated medical and prescription coverage. Our existing plans

provide dental and vision coverage to dependents up to age 19 or 23 if the child is a full-time student. Twice a year, employees have to submit proof of full-time student status in order to continue the dental and vision coverage. This is often an area of confusion for employees since no proof is required for medical and prescription coverage. The Commission also incurs costs when our COBRA administrator sends out COBRA letters to those dependents whose coverage lapsed because they did not provide the proof of student status in a timely manner. In addition, this is an administrative burden for the Health & Benefits staff to track separate end dates for the different health plans.

Dental and vision coverage offer very limited benefits. There is a \$2,000 annual maximum per family member for dental benefits. The highest vision option allows one annual exam and glasses or contacts once a year. Both insurance carriers have indicated that there will be no immediate impact to premiums. There may be some impact in future years depending on any significant increase in utilization. There are approximately 200 young adults covered under our medical and prescription plans.

The Executive Committee supported this recommendation to extend dental and vision coverage for young adults up to age 26.

Change the Benefits of the Vision Plan

The Vision Service Plan (VSP) offers three levels of benefits, the low, moderate and high options. The copay is the same for each level but the frequency at which members receive benefits differ. Last year VSP presented a 16% rate increase in premiums for 2014. We were able to negotiate the rate increase down to 6% and lock into those rates until 12/31/2015. We recently met with VSP to review our utilization and their profit/loss ratio indicates that premiums will increase substantially at the next renewal for calendar year 2016. VSP presented two new options to consider for 2015 which are intended to (1) bring our plan design up to industry standards and (2) mitigate the expected increase in premiums. Alternatively, we may choose to do nothing and keep the current plan and rates until 12/31/2015. At the end of that renewal period new rates will be developed for 2016 which will most likely be higher than the rates currently being proposed. If we implement one of the two new options VSP is willing to guarantee the rates from 1/1/2015 to 12/31/2018. Here are our options for 2015:

Option 1: Keep the current Signature plan:

- The plan designs will remain the same
- The rates will remain the same for 2015
- New rates will be presented for 2016 which will most likely be higher than what is being proposed under options 2 and 3 below

Option 2: Keep the current Signature plan with the following enhancements:

- Allow lenses every 12 months instead of 24 months for the Moderate Option
- Allow eye exams every 12 months instead of 24 months for the Low Option
- Increase the frame allowance from \$130 to \$200 for the High Option and from \$130 to \$150 for the Moderate and Low Options

- Increase the contact lenses allowance from \$130 to \$150 for the High Option and keep at \$130 for the Moderate and Low Options

Under Option 2, total premiums will increase by approximately 35.6%.

Option 3: Change to the Choice plan with the following changes:

- Allow lenses every 12 months instead of 24 months for the Moderate Option
- Allow eye exams every 12 months instead of 24 months for the Low Option
- Increase the frame allowance from \$130 to \$200 for the High Option and from \$130 to \$150 for the Moderate and Low Options
- Increase the contact lenses allowance from \$130 to \$150 for the High Option and keep at \$130 for the Moderate and Low Options
- Lower the discount on non-covered lens options from 35-40% to 20-25%. The member's maximum out-of-pocket expense for these lens options will increase; e.g. \$37 to \$41 for anti-reflective coating and \$23 to \$31 for polycarbonates.

Under Option 3, premiums will increase by approximately 19.8%.

Our current copayment is \$10. The copayments of other local agencies surveyed range from \$0 to \$25 with varying plan designs and levels of benefit. Rates were obtained for a plan design with a \$15.00 copayment, but the effect to the rates was negligible.

The Executive Committee was leaning toward changing to the Choice plan, but asked staff to explore a rate guarantee for 5 years instead of 4 and to present cost impact information. VSP has indicated that they can guarantee the new rates for only 4 years. The cost impact to both the Agency and employees for the various options are shown in Exhibit A.

Waive Contribution to the Sick Leave Bank for Current Members

Since 2009, when the Sick Leave Bank (SLB) procedures changed and the administration was outsourced to insurance administrator Cigna, the balance of SLB hours has grown from 2,195 hours to 12,210 hours as of the end of 2013. For the past 5 years, annual usage averaged 2,706 hours per year and annual contributions averaged 6,000 hours. (We waived contributions in 2012.) At this rate the bank balance is growing at an accelerated rate and it is unlikely that it will be in jeopardy of getting too low.

The Executive Committee supports waiving the 2015 contribution of sick leave to the Sick Leave Bank for current members. New members for 2015 must contribute the required hours for membership.

Increase Coverage for Dependent and Supplemental Life Insurance

Dependent Coverage: Currently we offer a very limited coverage amount for spouses and children: \$2,000 for spouse and \$1,000 for each child at a rate of 43 cents per month (fully paid by employee). The current life insurance amounts will barely cover burial costs. We asked the

life insurance carrier, Minnesota Life, to provide quotes for increased coverage amounts. The following options were provided:

- \$10,000/\$5,000 at \$2.45 per month
- \$20,000/\$10,000 at 4.90 per month
- \$30,000/\$15,000 at 7.35 per month.

Employee will be able to choose one of the three options. There will be no cost to M-NCPPC as this is 100% employee paid. Coverage for a spouse will be guaranteed issue at \$20,000 for initially eligible. Children will never require evidence of insurability.

Supplemental Employee Coverage: Our current basic life insurance provides a death benefit of two (2) times annual base salary; the maximum coverage amount is \$200,000. The agency pays 80% toward basic life coverage.

We also offer supplemental coverage of 1 to 3 times the annual base salary which can provide a maximum coverage of \$300,000. With basic and supplemental coverage combined, employees can have total coverage of up to \$500,000. The agency has the option to increase the current supplemental coverage to 5 times the base salary to permit a maximum supplemental coverage of \$750,000 and total life insurance coverage of up to \$950,000. Increasing the supplemental coverage does not result in any additional cost to the agency as this is 100% employee paid. We did not look into increasing the basic coverage as this will increase M-NCPPC's cost. Employees will have to provide evidence of insurability for anyone requiring supplemental or changing supplemental coverage levels.

Implementation will be delayed until first quarter of 2015 in order to provide a separate enrollment period, outside of the regular annual open enrollment season.

The Executive Committee supported the recommendation to offer the increased coverage amounts for dependent and supplemental life insurance.

EXHIBIT A

COST IMPACT OF CHANGE IN VISION PLAN OPTIONS

Gross Monthly Premiums for the low, moderate and high option levels combined	Option 1 Current Plan	Option 2 Signature	Difference between current and Option 2	Option 3 Choice	Difference between current and Option 3
EE Contribution	\$19,685.48	\$26,693.51	\$7,008.03	\$23,583.21	\$3,897.73
ER Contribution	\$12,668.19	\$17,178.06	\$4,509.87	\$15,176.49	\$2,508.30
Total	\$32,353.67	\$43,871.57	\$11,517.90	\$38,759.70	\$6,406.03

Employer cost is limited to 80% of the cost of the low plan for all 3 levels. 71% of employees are in the moderate and high plans, resulting in the total EE contributions being higher than the ER contributions.

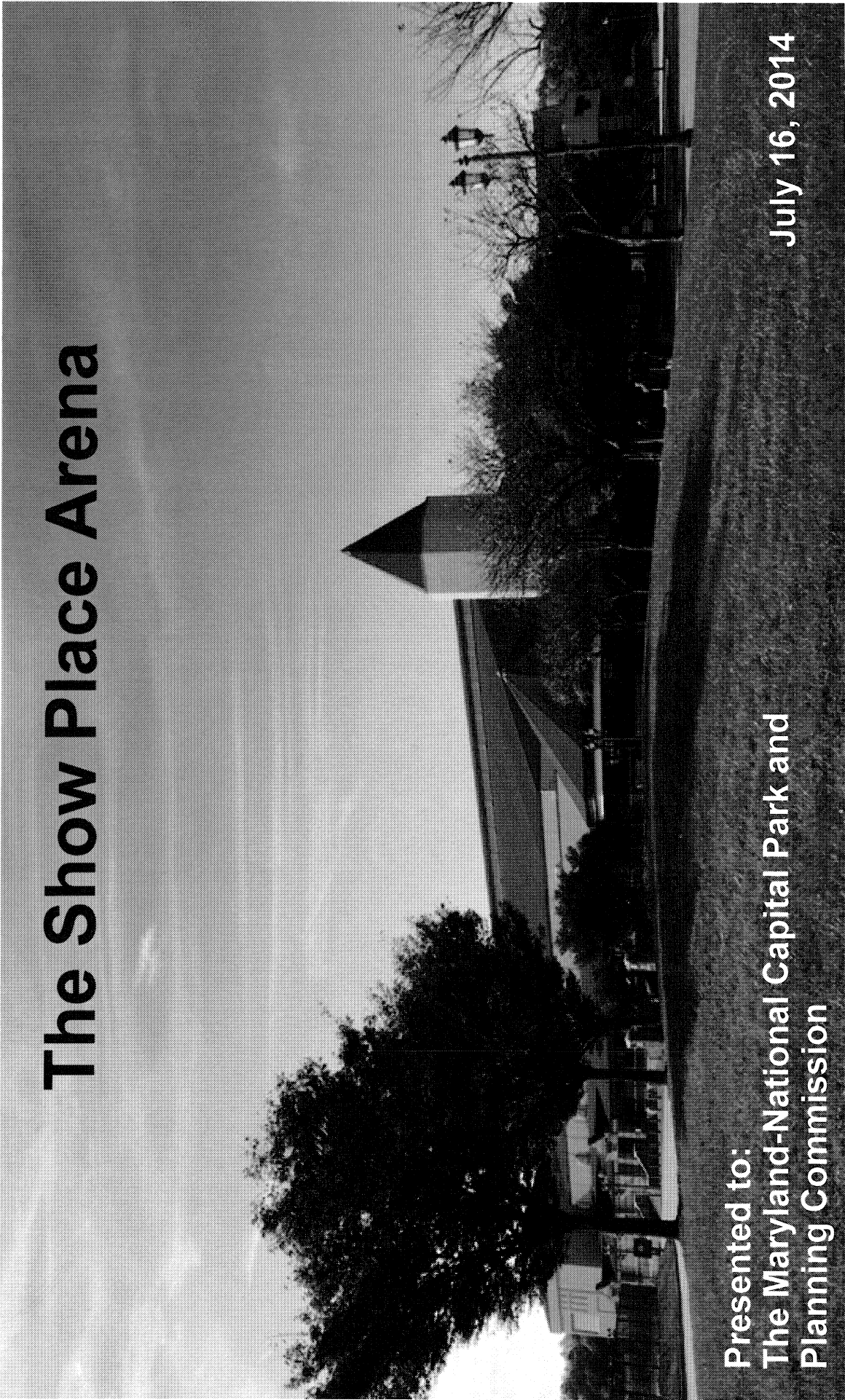
	Option 1 Current Signature Plan			Option 2 Signature Plan Enhanced			Option 3 Choice Plan		
	High	Moderate	Low	High	Moderate	Low	High	Moderate	Low
Total Monthly Premium									
Employee Only	\$8.46	\$5.80	\$3.26	\$11.47	\$7.86	\$4.42	\$10.13	\$6.94	\$3.90
Employee + 1 dependent	\$16.93	\$11.60	\$6.54	\$22.95	\$15.73	\$8.87	\$20.27	\$13.89	\$7.83
Employee + Family	\$25.40	\$17.41	\$9.80	\$34.44	\$23.60	\$13.29	\$30.41	\$20.84	\$11.73

	Option 1 Current Signature Plan			Option 2 Signature Plan Enhanced			Option 3 Choice Plan		
	High	Moderate	Low	High	Moderate	Low	High	Moderate	Low
EE Monthly Contribution									
Employee Only	\$5.85	\$3.19	\$0.65	\$7.93	\$4.33	\$0.88	\$7.01	\$3.82	\$0.78
Employee + 1 dependent	\$11.69	\$6.36	\$1.30	\$15.85	\$8.62	\$1.76	\$14.00	\$7.62	\$1.56
Employee + Family	\$17.56	\$9.57	\$1.96	\$23.81	\$12.98	\$2.66	\$21.04	\$11.46	\$2.35

	Option 1 Current Signature Plan			Option 2 Signature Plan Enhanced			Option 3 Choice Plan		
	High	Moderate	Low	High	Moderate	Low	High	Moderate	Low
ER Monthly Contribution									
Employee Only	\$2.61	\$2.61	\$2.61	\$3.54	\$3.54	\$3.54	\$3.13	\$3.13	\$3.13
Employee + 1 dependent	\$5.24	\$5.24	\$5.24	\$7.11	\$7.11	\$7.11	\$6.28	\$6.28	\$6.28
Employee + Family	\$7.84	\$7.84	\$7.84	\$10.63	\$10.63	\$10.63	\$9.39	\$9.39	\$9.39

1. At the low end, the increase for an employee with single low option coverage is 23 cents for Option 2 and 13 cents for Option 3.
2. At the high end, the increase for an employee with family high option coverage is \$6.25 for Option 2 and \$3.48 for Option 3.
3. There are 772 employees in the low option, 357 in the moderate option and 1,523 in the high option.

The Show Place Arena



Presented to:
The Maryland-National Capital Park and
Planning Commission

July 16, 2014



AECOM

Agenda

- **Introduction – Ronnie Gathers**
- **Background – Alvin McNeal**
 - M-NCPPC Key Staff
 - MSA Staff
 - Scope of MSA Engagement
- **MSA Introduction – Gary McGuigan**
 - MSA Involvement – Al Tyler
 - Staffing; AECOM
- **Response to Audit Committee Report and Study Recommendations – Roslyn Johnson**
- **Conclusion – Ronnie Gathers**

Maryland Stadium Authority

- Who we are
- What we do
- Key staff



Facility Operations Study

- **Engage Conventions, Sports & Leisure (CS&L)**
- **Study Considered**
 - Operating and Managerial Structures
 - Governance
 - Staffing
 - Above characteristics focused on comparable facilities/benchmarks
 - Performed an analysis of best practices
- **Findings**
 - Event levels are lower than the average comparable complex
 - Financial operating deficit is higher than the average comparable complex
 - The facility is understaffed in terms of managerial/executive level staff relative to other complexes of a comparable nature
 - Recommend performing a Market and Economic Study



Market and Economic Study

- **MSA engaged AECOM Economics and Partners for Economic Solutions**
- **Key Staff**
 - AECOM Economics: David Stone
 - PES: Anita Morrison, Nancy Eaton
- **Presentation to focus on:**
 - Local and national competition
 - What can M-NCPPC do to make Showplace Arena less of a financial drain?



Market and Economic Study - AECOM

- **Focus of Study**
 - “to analyze the overall competitive environment for the Equestrian Center and Arena and to provide recommendations regarding the future of the complex, as well as to estimate its economic and fiscal impacts to the area.”



Market and Economic Study - AECOM

- **Findings – The Local Market**
 - Upper Marlboro and Prince George’s County: the city is very small, population growth is low
 - Washington DC metro area: strong demographics (high incomes, low unemployment)
 - Significant tourism/entertainment development to the west (National Harbor, Gaylord, casino, Westphalia Town Center)

Market and Economic Study - AECOM

- **Findings – The Show Place Arena**
 - Physical: numerous limitations, particularly in the Arena (i.e. roof, concessions, support space, etc.); parking
 - Setting: no complementary development (hotels, restaurants, retail); difficult access to the complex, difficulty of enacting major development in the community; attractions/ tourism development in National Harbor area
 - Local competition is not significantly strong
 - Comparable facilities: deficits are lower, and expense coverage is higher
 - Stakeholder feedback:
 - Facilities are generally underutilized, particularly during the week
 - Physical deficiencies



Market and Economic Study - AECOM

• Findings – The Show Place Arena

– Annual events and attendance

	FY10		FY11		FY12		FY13	
	Events	Atten.	Events	Atten.	Events	Atten.	Events	Atten.
Equestrian	34	66,614	31	65,818	31	57,579	37	45,647
Graduation	33	75,667	37	86,806	42	92,804	34	90,192
Banquet	22	4,058	19	2,860	25	1,791	35	3,138
Meeting	18	739	15	717	24	1,495	27	2,787
Other Sports	13	28,297	16	34,987	10	21,778	10	30,458
Trade	10	21,771	12	24,497	12	20,101	9	13,929
SMERF	6	9,988	12	18,663	9	13,506	7	9,843
Concert/Promoted Show	9	20,922	5	16,109	5	15,323	4	8,536
Other	4	7,393	3	5,830	4	4,100	4	3,987
Fundraiser	2	913	3	880	1	241	1	490
Rodeo	1	2,193	2	3,257	1	5,255	2	6,184
Fair	1	6,920	1	10,269	1	5,000	1	4,000
Total	153	245,475	156	270,693	165	238,973	171	219,191

Source: PGEC

– Average of 161 events, ~245,000 attendees per year



Market and Economic Study - AECOM

• Findings – The Show Place Arena

– Annual revenues and expenses

	FY10	FY11	FY12	FY13
Operating Revenues				
Facility Rental	\$910	\$1,000	\$1,014	\$1,078
Food Service (Net)	282	187	161	328
Other Revenue	70	68	8	4
Total Operating Revenues	\$1,262	\$1,255	\$1,183	\$1,410
Operating Expenses				
Salaries, Wages, and Benefits	\$2,109	\$2,044	\$1,472	\$1,395
Contract Labor	328	239	184	176
Utilities	618	653	607	560
Repair and Maintenance	348	391	417	554
General and Administrative	380	375	145	35
Supplies	57	71	104	162
Other Expenses	179	87	50	148
Total Operating Expenses	\$4,019	\$3,860	\$2,979	\$3,030
Net Operating Income (Deficit)	(\$2,757)	(\$2,605)	(\$1,796)	(\$1,620)

Source: PGEC

– Revenues have been relatively consistent; expenses have decreased significantly → deficit has decreased but expense coverage remains less than 50 percent

Market and Economic Study - AECOM

- **Findings – General Findings, Observations, and Feedback**
 - The complex has a rich history locally and in the equine industry, and is the most comprehensive equestrian center in Maryland
 - Increase in the number of small events that generate little revenue
 - Overall complex usage is relatively low; deficit is relatively high
 - Ability to increase revenues has been low due to lack of marketing, lack of revenue-generating facilities, and low non-equestrian usage
 - A market exists for stronger use of the facilities



Market and Economic Study - AECOM

- **Findings – Comparable Complexes**
 - The Virginia Horse Center, Lexington, VA
 - The Deschutes County Fair and Expo Center, Redmond, OR
 - The Western North Carolina Agricultural Center, Fletcher, NC
 - The Salt Lake County Equestrian Center, S. Jordan, UT
 - Three are publicly-owned; all have an arena similar to Show Place and various equestrian facilities
 - Annual event demand <200 events but stronger levels of “higher-rated” events
 - Financial: deficits range from \$400,000 to \$700,000; expense coverage of 50 to 90 percent



Market and Economic Study - AECOM

• Findings – Erie Insurance Arena

- Renovations:
 - Lobby and offices
 - Increased seating capacity
 - Wider concourses
 - Concessions: from 24 POS to 36 + 10 carts
 - Expanded restrooms (men 28 to 64, women 20 to 84)
 - New locker rooms (from 6 to 9) and star dressing rooms
 - Mechanical, rigging, loading, kitchen improvements
 - 13 luxury suites, 300 club seats
- Impacts:
 - A more efficient arena
 - More attractive to promoters and attendees
 - Has booked events it couldn't attract in the past
 - F&B sales have increased by ~20%
 - Premium seating has sold well
 - Financial results expected to improve



Market and Economic Study - AECOM

- Findings – Erie Insurance Arena



Before



After



Market and Economic Study - AECOM

• Recommendations

- Increase non-equestrian usage, particularly during winter (coincides with end of equestrian season and typical season for indoor arena events)
- Renovations
 - Arena: F&B, restrooms, rigging, scoreboard
 - Equine facilities: more warm-up areas, more/improved stables and stalls, better drainage, footing, and power/water

Total estimated cost of all improvements: \$13.7 million

- Impacts of renovation: increased usage and revenues. Specific event types include equestrian, sports/competitions, concerts, and consumer shows.
- Impacts of no renovation: subsidy could remain stable in short term but increase over time, as the facility becomes less competitive



Market and Economic Study - AECOM

- Economic and Fiscal Impacts

	Current	Post-Renovation	Incremental	No Renovation	Incremental
Events and Attendance					
# of Events	158	184	26	141	(17)
Attendance	251,714	328,650	76,936	200,250	(51,464)
Facility Revenue (000s)	\$1,233	\$2,030	\$797	\$863	(\$371)
Facility Expenses (000s)	\$3,619	\$3,181	(\$439)	\$2,937	(\$682)
Net Operating Income (Deficit)	(\$2,386)	(\$1,151)	\$1,235	(\$2,074)	\$312
Total Net Direct and Indirect Spending (000s)					
Prince George's County	\$9,871	\$13,388	\$3,517	\$7,548	(\$2,324)
Maryland	\$6,852	\$9,465	\$2,613	\$5,222	(\$1,631)
Earnings Impacts (000s)					
Prince George's County	\$3,273	\$4,278	\$1,005	\$2,540	(\$733)
Maryland	\$3,395	\$3,925	\$530	\$1,578	(\$1,817)
Employment Impacts					
Prince George's County	114	149	36	88	(26)
Maryland	120	139	19	53	(67)
Fiscal Impacts (000s)					
Prince George's County	\$328	\$466	\$138	\$214	(\$114)
Maryland	\$333	\$422	\$89	\$211	(\$122)
Construction Impacts (\$000s)					
Earnings - Prince George's County	--	--	\$2,519	--	--
Earnings - Maryland	--	--	\$8,183	--	--
Materials/Services - Prince George's Co	--	--	\$1,491	--	--
Materials/Services - Maryland	--	--	\$9,691	--	--
Employment - Prince George's County	--	--	47	--	--
Employment - Maryland	--	--	156	--	--

AECOM



Recommendations From Audit Commission and Studies

OPERATIONAL & PROCEDURAL

- Develop and implement formal written policies and procedures
- Update and improve overall security and risk management
- Update and improve emergency action plans
- Develop a comprehensive marketing plan
- Implement facility improvements and update mechanical/electrical/plumbing systems that are at the end of their service life

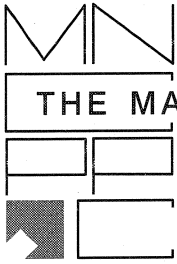
MANAGEMENT, STAFFING AND GOVERNANCE

- Secure experienced personnel to fill the following positions:
 - General Manager
 - Operations Manager with strong experience in operating equestrian venues
 - Event Services Manager (new position)
- Continue to audit food service operations
- Capture and measure user and patron services
- Create an Advisory Committee to engage members with a vested interest in the facility
- Consider the merits of using a private third-party to manage the facility

PHYSICAL IMPROVEMENTS

- Develop a comprehensive master plan for the facility
- Perform a facility condition assessment every five years to assist with long-term capital expense planning
- Perform targeted improvements to the box office
- Improve traffic and parking conditions





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

July 16, 2014

TO: Commission

VIA: Patti Barney, Executive Director
William Spencer, Director, Human Resources
Jeannette R. Glover

FROM: Jeannette R. Glover, MSM, Project Manager

SUBJECT: Personnel Management Review (PMR) FY13 Status Report

The Personnel Management Review (PMR) provides a comprehensive overview on the demographics of the Commission's workforce and for each department.

For the past 20 years, the PMR has been available for budget and human resources planning. Initially requested by the Montgomery County Council, the PMR includes data, charts, trends, and analysis on workforce composition, salaries, benefits, and turnover.

Some significant trends:

1. Between FY14 and FY18, 70.6% of Officials/Administrators will reach normal retirement eligibility. This continues to be a major succession planning issue.

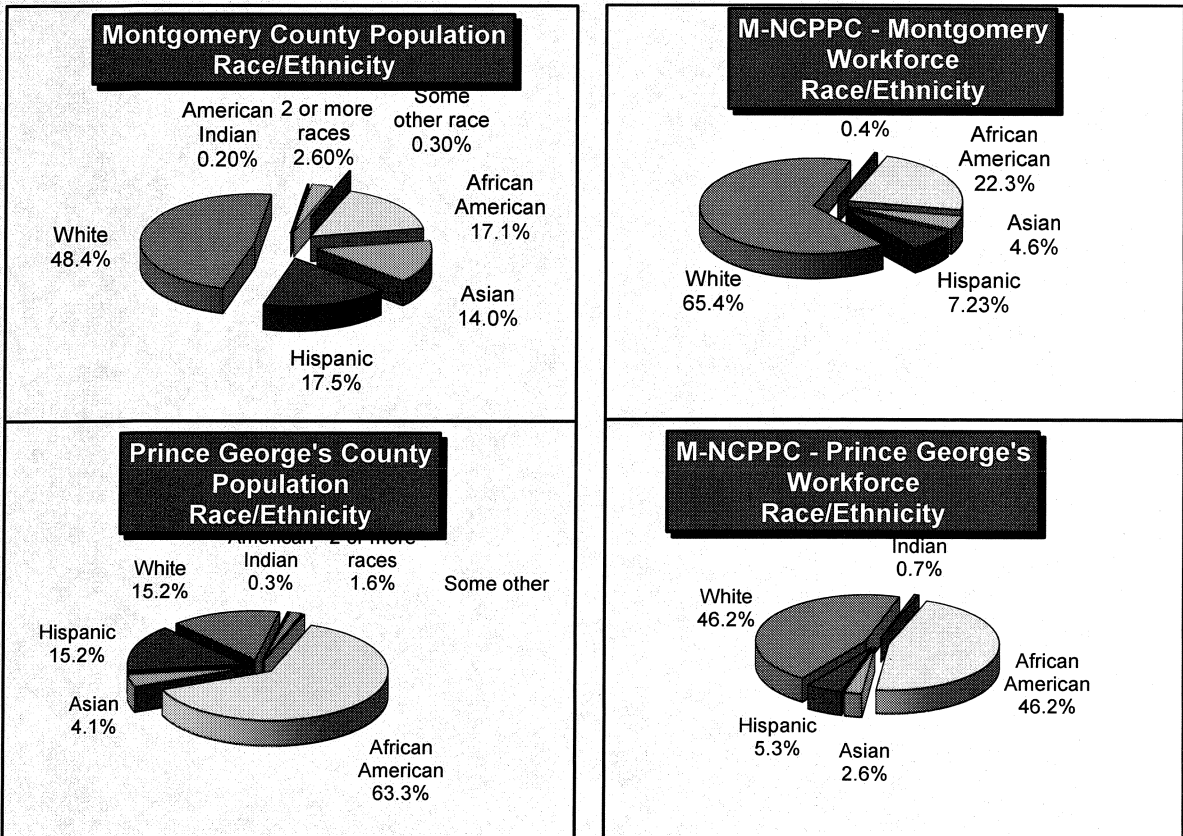
Using the current employee population, 341 or 17.1% of the employees will have reached normal retirement eligibility in FY14. From FY14 through FY18, 683 or 34.3% of the employees will be eligible for normal retirement.

2. The total career workforce for FY13 is 1,994. This includes 1,953 full-time career and 41 part-time career employees.
3. In 2013, 226 or 11.3% of employees are at top of grade.
4. Over the past five years, there have been incremental changes in the Commission's demographics.

Five-Year Demographic Distribution 2009-2013

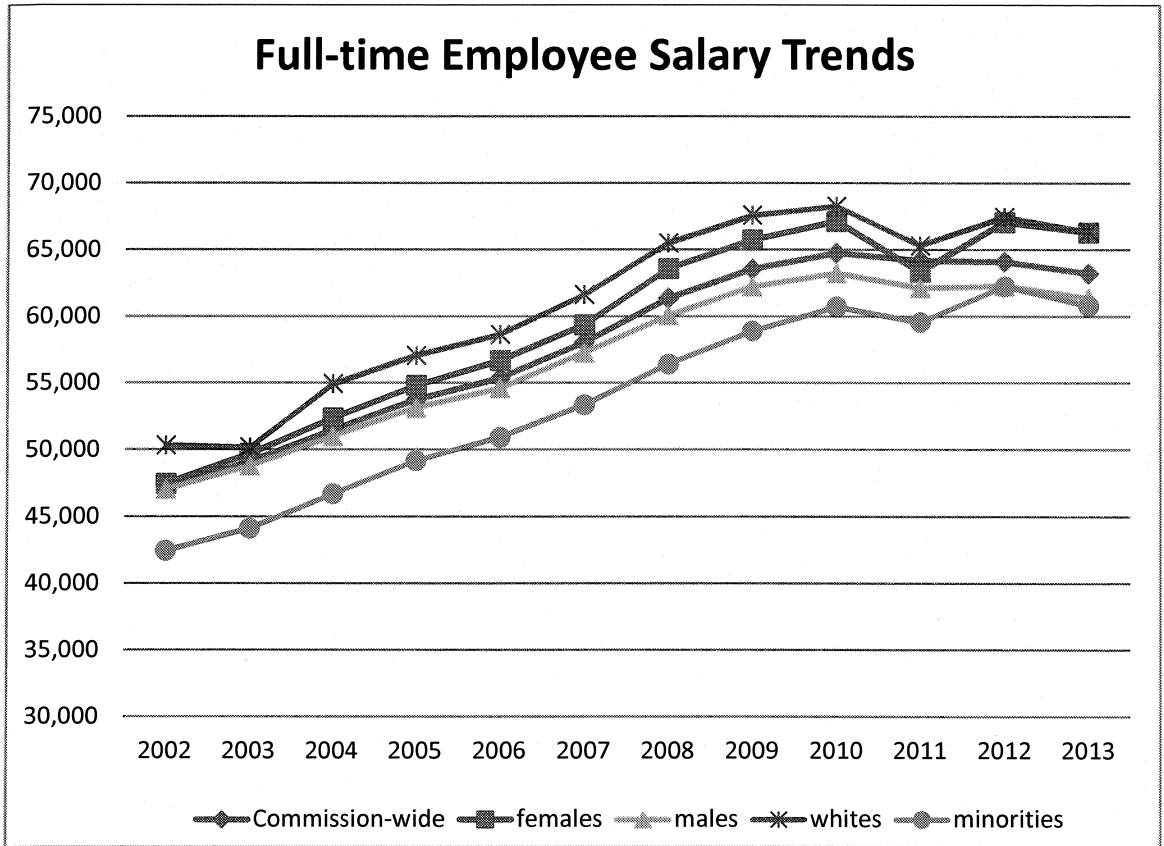
	2009	2010	2011	2012	2013
Asian	3.5%	3.6%	4.0%	3.6%	3.6%
Hispanic	5.0%	5.1%	5.0%	5.7%	6.2%
Black	36.6%	36.7%	36.0%	37.0%	37.7%
White	54.0%	53.9%	54.0%	53.0%	52.0%
American Indian	0.7%	0.7%	1.0%	0.6%	0.6%
Women	39.0%	39.5%	39.2%	39.0%	38.6%
Men	61.0%	60.5%	60.8%	61.0%	61.4%
Total Population	2,172	2,107	2,019	1,977	1,994

5. The racial/ethnic demographics of the Commission workforce compared to the populations of the respective Counties are reflected in the charts that follow:



Source for County Demographics: U.S. Census 2012 American Community Survey (1 year estimate) data series; Research and Technology Center, Montgomery County Planning Department, March 2013. M-NCPPC workforce does not include Central Administrative Services. These charts are not meant to be a one for one comparison since the county statistics include all ages and persons otherwise not in the labor market such as retirees and students.

6. The fiscal year average salary declined Commission-wide for females, males, whites and minorities. Whites and females average salaries continue to be higher than minorities and males. The average salary for whites is 9.1% higher than minorities, and the average salary for females is 8.0% higher than males. The average salary for whites is 8.0% higher than males. Average salary for males is 2.9% below the Commission-wide average salary and the average salary for minorities is 3.8% below Commission-wide average salary.

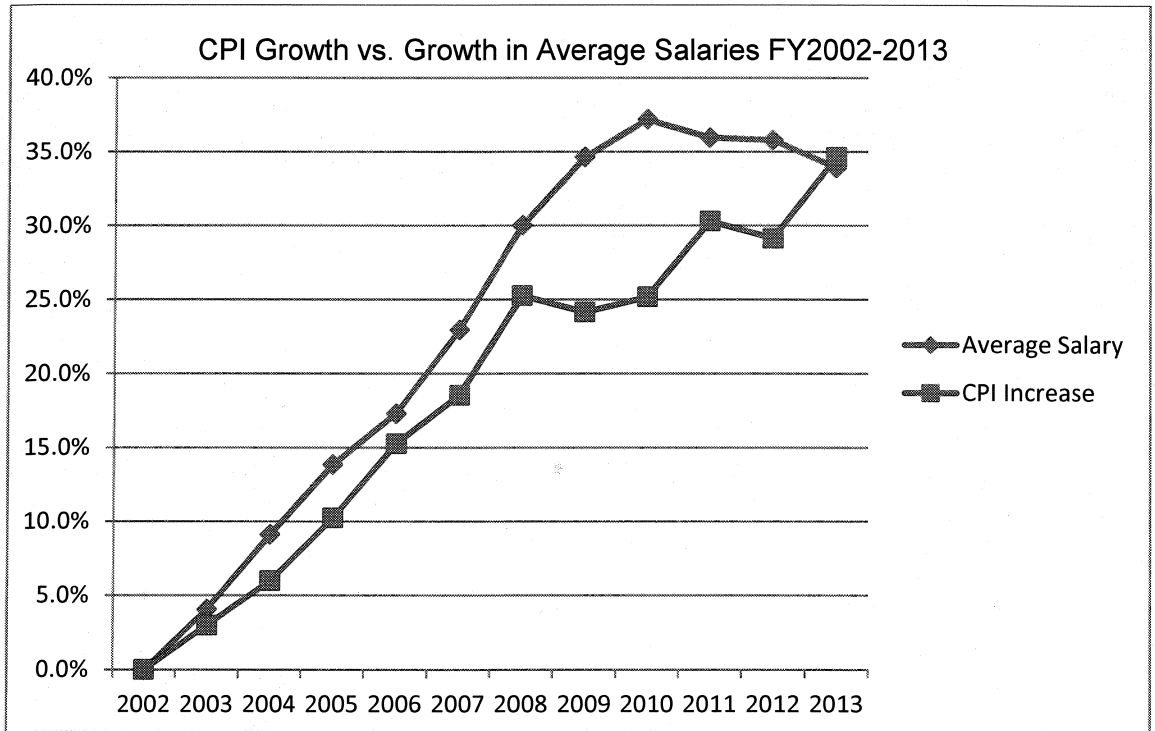


7. The average salary for full-time Commission employees is \$63,322. The actual distribution of full-time employees by pay range indicates approximately 0.6% earn \$29,000 or less; 51.1% earn between \$30,000 and \$59,000; and 48.3% earn \$60,000 or more.
8. A special pay scale was established in FY01 for Information Technology. Average salary for employees on the Information Technology pay scale is \$86,129.
9. The average salary for female employees is \$66,295. The average salary for male employees is \$61,385. The average salary for white employees is \$66,352 and the average salary for minority employees is \$60,806.

10. The average salaries for represented employees are as follows:

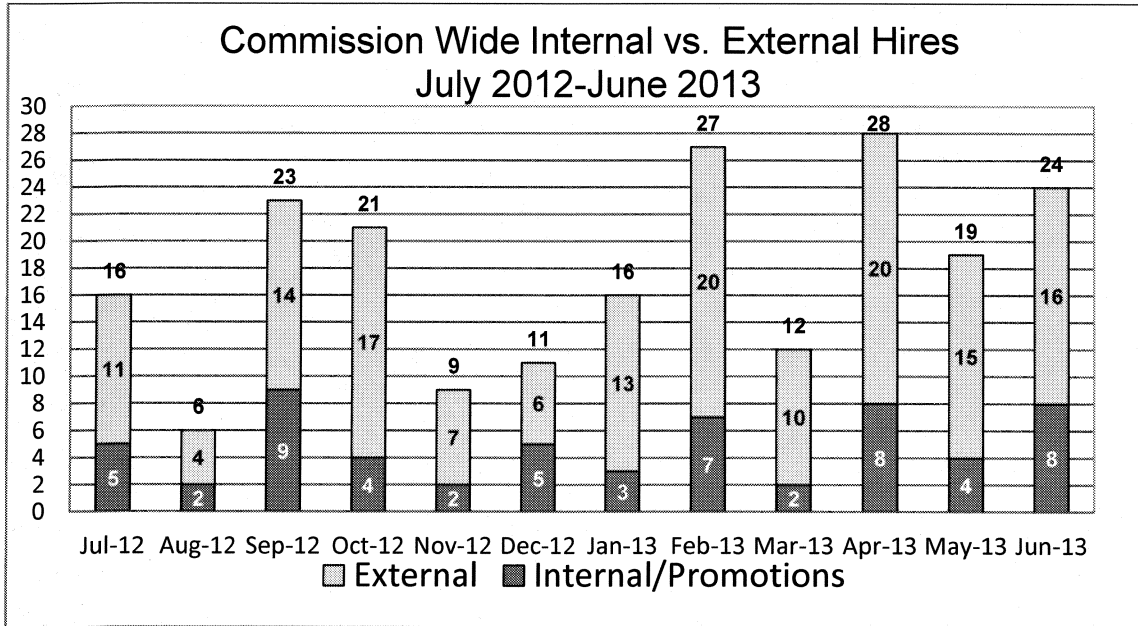
FOP:	\$65,815
Trades:	\$51,893
Administrative:	\$48,147
Service/Labor:	\$40,143

11. In 2013, Commission cumulative average salary growth is 1.0% below the cumulative growth of the Consumer Price Index (CPI). The Commission did not increase base wages during FY11 – FY13 due to the economic recession.



Source: U.S. Department of Labor Consumer Price Index, Urban Consumer Series, Baltimore-Washington Metropolitan Area.

12. From July 2012 to June 2013 there were 212 hires which is nearly double the number of hires from the prior year, and of the 212, 59 or 28.0% were internal promotions this is 11.0% less than last year.



13. By job category, the percent of positions held by minorities and females is as follows:

Job Category	Minorities (%)	Females (%)
Officials/Administrators	32.4	38.2
Professional	47.0	52.2
Technicians	38.3	39.3
Protective Service	41.5	22.4
Para-Professional	52.9	73.6
Office Clerical	59.5	80.2
Skilled Craft	28.5	0.6
Service Maintenance	60.7	10.7

Note: Minority females will appear in both categories.

Tenure

14. The average length of service is 12.0 years; 47.7% of the employees have been here 9 years or less.

15. The average length of service for females and males is 12.0 years. The average length of service is 13.5 years for whites, 12.1 years for Asian/Pacific, 11.2 for African Americans, 13.4 years for American Indians, and 10.1 years for Hispanic employees.
16. The average age of career employees in FY13 is 46.8 years, up from 44.9 last year.

Collective Bargaining

17. In FY13, 36.8% of the career full-time employees have an exclusive representative for the purposes of collective bargaining.
18. In FY13, the Fraternal Order of Police Lodge #30 represented 149 Park Police officers. This is 7.6% of the workforce.
19. The United Food & Commercial Workers, Local 1994/Municipal and County Government Employees organization is the exclusive representative for the Service/Labor, Trades and office bargaining units. There are 555 employees in the union.

Composition of the units is:

The Service/Labor Unit is composed of 311 employees or 15.9% of the workforce.

The Trades Unit is composed of 133 employees or 6.8% of the workforce.

The Office Unit is composed of 111 employees or 5.7% of the workforce.

Budget Allocations

20. Operating budget spent on group insurance is 7.57% for the General Fund.
21. Percentage of budget allocated to employees' salaries and benefits is 71.97% for the General Fund.

Promotions and Cost of Living Adjustments

22. In FY13, 90 career and seasonal employees received promotions. Of that 28 or 31.1% were females and 62 or 68.9% were males; and 55 or 61.0% were white and 35 or 39.0% were minority. There were 17 promotions in the Protective Service category and 38 in the Professional category.

23. In FY13, there were 226 or 11.6% of full-time employees at top of grade. Last year there were 248 or 12.8% full-time employees at top of grade.

Turnover – Career

24. The turnover rate in FY13 was 6.8% or 135 employees. The average turnover rate for the past five fiscal years is 6.8%.
25. In FY13, of the 135 employees leaving, 57.0% were male and 43.0% were female.
26. In FY13, the composition of exiting employees was 62.2% white and 37.8% minority.

Composition - Non-Career

27. In FY13, the non-career workforce numbered 4,666. Of this number, 99.3% were seasonal or intermittent.
28. Of the non-career employees, 90.9% work in the Prince George's County Department of Parks and Recreation and 7.2% work in Montgomery County Department of Parks.
29. The gender make-up of non-career employees is 53.7% female and 46.3% male.
30. The racial/ethnic make-up of non-career employees is 79.6% minority, 19.5% white, and 0.9% not specified, and 1.3% other. The largest group is African American with 74.4%.
31. Of non-career employees, 55.4% are 29 years or younger. This is a 35.4% increase from FY12.

The PMR can be accessed on Insite at

http://www.mncppc.org/Assets/Commission/budget/performance_management_review.pdf;

or on the internet at

http://www.mncppc.org/Assets/Commission/budget/performance_management_review.pdf.

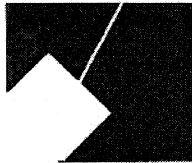
EXEC DIR RPTS

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JUNE 2014

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	05/14	06/14	05/14	06/14	05/14	06/14	05/14	06/14
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	2	0	0	0	0	0	2
LEGAL DEPARTMENT	1	1	0	0	0	0	1	1
FINANCE DEPARTMENT	1	1	1	0	0	0	2	1
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	2	3	0	0	0	0	2	3
MONTGOMERY COUNTY PARKS	4	0	0	0	0	0	4	0
MONTGOMERY COUNTY PLANNING	3	1	0	0	1	1	4	2
DEPARTMENT TOTAL BY DAYS LATE	13	8	1	0	2	1	14	9

COMMISSION WIDE TOTAL:

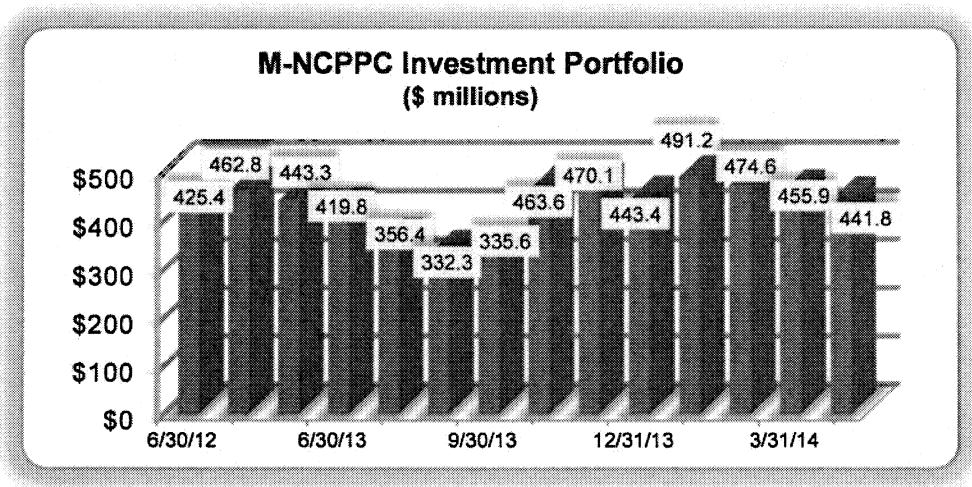
*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.



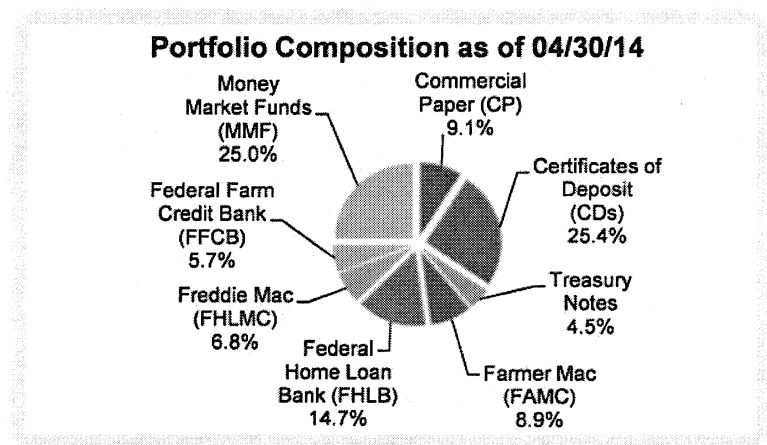
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 7/3/2014
SUBJECT: Investment Report – April 2014

The Commission’s pooled cash investment portfolio totaled \$441.8 million as of April 30, 2014, with a 3.09 % decrease from March 31, 2014. Details are as follows:

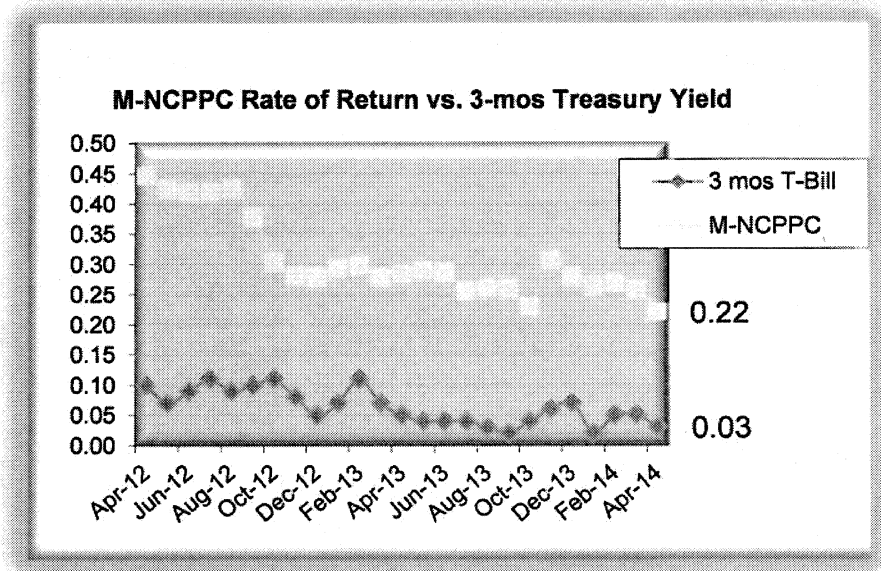


The composition of the pooled cash portfolio as of April 30, 2014 is summarized below:

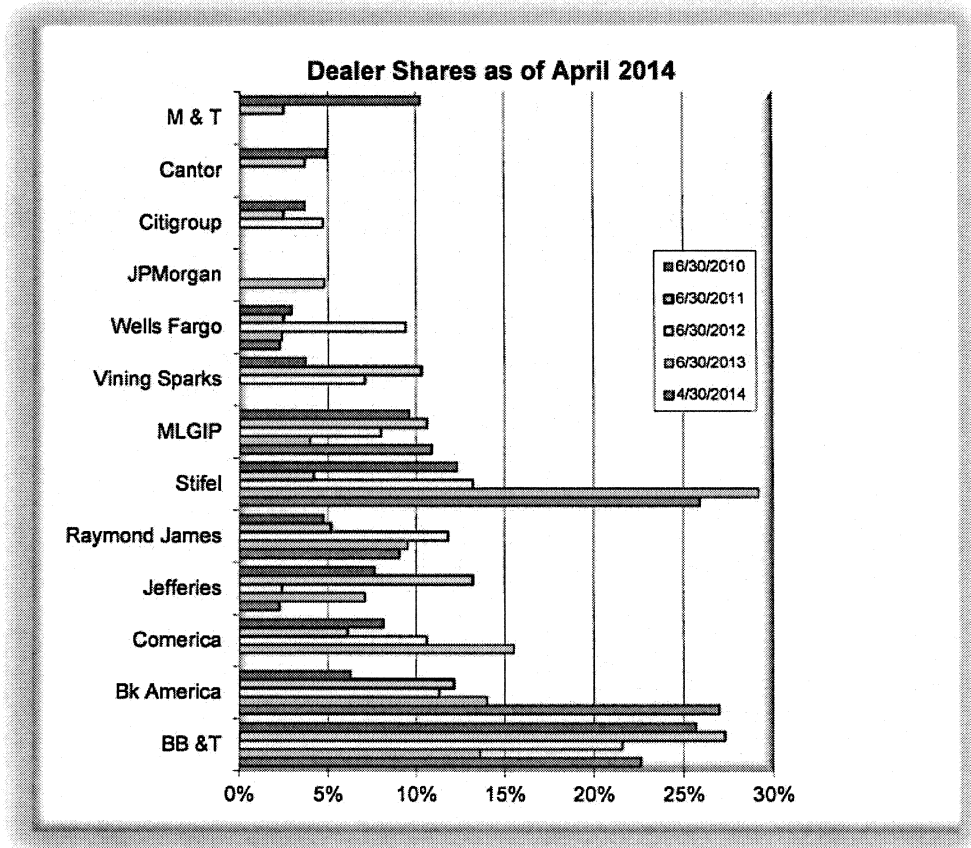


Current Investment Portfolio - April 2014				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Certificates of Deposit	50%	25%	\$ 112,000,000	0.21%
Money Funds	25%	25%	110,301,041	n/a
Federal Home Loan Banks	20%	15%	65,000,000	0.27%
Freddie Mac	20%	7%	30,000,000	0.46%
Farmer Mac	20%	9%	39,500,000	0.23%
Commercial Paper	10%	9%	40,000,000	0.52%
Federal Farm Credit Bureau	20%	6%	25,000,000	0.24%
Treasury Notes	100%	5%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 441,801,041	0.25%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 04/30/14	
Montgomery County (MC-2012A)	\$ 2,094,273
Montgomery County (MC-2012B)	874,408
	\$ 2,968,681

The Commission had debt service payments during the month totaling \$255,731, of which \$135,000 was principal and \$70,731 was interest.

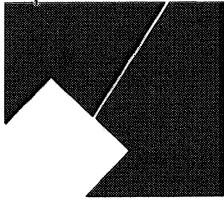
Details by issue of debt outstanding as of April 30, 2014 appear below:

Debt Balances - April 2014					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	6,940,000	18%	Mar-04	Jan-24
PG-2012A	11,420,000	9,650,000	85%	Jun-12	Jun-24
JJ-2	8,900,000	6,770,000	76%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 42,858,123	48%		
Montgomery County					
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	150,000	10%	Dec-02	Dec-14
CC-2	12,155,000	275,000	2%	Dec-02	Dec-14
LL-2	8,405,000	5,340,000	64%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,280,000	64%	Nov-04	Dec-24
FF-2	4,000,000	880,000	22%	Nov-04	Dec-24
II-2	4,700,000	3,405,000	72%	Mar-07	Apr-27
MM-2	5,250,000	4,200,000	80%	May-09	Nov-28
MC-2012A	12,505,000	12,110,000	97%	Apr-12	Dec-32
MC-2012B	3,000,000	2,880,000	96%	Apr-12	Dec-32
Total Montgomery County	\$ 59,010,000	\$ 30,855,000	52%		
Total	\$ 148,235,000	\$ 73,713,123	50%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2014 - April 30, 2014

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					Yes T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					Yes All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 19 basis points.
	The pro-rated rates of return for the portfolio and T-bills were 0.22% and 0.03%, respectively.				



The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

July 7, 2014

TO: Commissioners
VIA: Patricia C. Barney, Executive Director
FROM: Joseph C. Zimmerman, Secretary/Treasurer
SUBJECT: MFD Purchasing Statistics— Third Quarter FY14

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY14 report include:

- Attachment A indicates that through the third quarter of FY14, the Commission procured approximately \$85.3 million in goods, professional services, construction and miscellaneous services. Approximately 25.3% or \$21.6 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the third quarter MFD utilization was 33.6%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the third quarter of FY14 was 33.9%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the third quarter are 21.6% and 33.9%, respectively.
- Attachment D presents the FY14 activity for the Purchase Card program totaling approximately \$6.9 million of which 1.7% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 8.1% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to third quarter FY14.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analyses, MFD vendors do appear to be participating, at an overall rate of 20% in informal (under \$30,000) and 28.1% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 19.1%. MFD vendors are participating at an overall rate of 34.7% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$85.3 million in total procurement, \$63.0 million was procured from Maryland vendors. Of the \$21.6 million in procurement from MFD vendors, \$18.7 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 2.7% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2014
FOR NINE MONTHS ENDED MARCH 31, 2014

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 38,873	\$	-	-	\$ 5,748	14.8%
Planning Department	2,184,416		-	-	518,203	23.7%
Parks and Recreation Department	47,684,667		1,428,711	16	10,303,315	21.6%
Total	<u>49,907,956</u>		<u>1,428,711</u>	<u>16</u>	<u>10,827,266</u>	<u>21.7%</u>
<u>Montgomery County</u>						
Commissioners' Office	9,955		-	-	2,373	23.8%
Planning Department	1,392,332		60,964	2	100,282	7.2%
Parks Department	30,444,402		856,641	6	10,329,362	33.9%
Total	<u>31,846,689</u>		<u>917,605</u>	<u>8</u>	<u>10,432,017</u>	<u>32.8%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	1,099,828		-	-	104,444	9.5%
Finance Department	1,996,575		-	-	200,338	10.0%
Legal Department	330,288		-	-	5,033	1.5%
Merit Board	17,701		-	-	17,000	96.0%
Office of Chief Information Officer	96,618		-	-	4,726	4.9%
Office of Internal Auditor	23,905		-	-	6,568	27.5%
Total	<u>3,564,915</u>		<u>-</u>	<u>-</u>	<u>338,109</u>	<u>9.5%</u>
Grand Total	<u>\$ 85,319,560</u>	<u>\$</u>	<u>2,346,316</u>	<u>24</u>	<u>\$ 21,597,392</u>	<u>25.3%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
June 24, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2014

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	32.1%	14.3%	14.8%	
Planning Department	35.8%	23.4%	23.7%	
Parks and Recreation Department	24.1%	23.1%	21.6%	
Total	<u>24.4%</u>	<u>23.1%</u>	<u>21.7%</u>	
<u>Montgomery County</u>				
Commissioners' Office	13.8%	17.9%	23.8%	
Planning Department	2.3%	2.3%	7.2%	
Parks Department	15.0%	15.7%	33.9%	
Total	<u>14.5%</u>	<u>14.8%</u>	<u>32.8%</u>	
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	32.4%	8.2%	9.5%	
Finance Department	7.4%	9.9%	10.0%	
Legal Department	2.8%	1.4%	1.5%	
Merit Board	100.0%	96.0%	96.0%	
Office of Chief Information Officer	4.6%	5.0%	4.9%	
Office of Internal Auditor	29.5%	22.0%	27.5%	
Total	<u>11.6%</u>	<u>9.0%</u>	<u>9.5%</u>	
Grand Total	<u><u>21.1%</u></u>	<u><u>19.9%</u></u>	<u><u>25.3%</u></u>	

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	32.1%	4.7%	16.0%		14.8%
Planning Department	35.8%	11.7%	24.0%		23.7%
Parks and Recreation Department	24.1%	21.5%	18.4%		21.6%
Total	<u>24.4%</u>	<u>21.1%</u>	<u>18.8%</u>		<u>21.7%</u>
<u>Montgomery County</u>					
Commissioners' Office	13.8%	27.3%	28.3%		23.8%
Planning Department	2.3%	2.3%	22.7%		7.2%
Parks Department	15.0%	16.5%	50.4%		33.9%
Total	<u>14.5%</u>	<u>15.1%</u>	<u>49.9%</u>		<u>32.8%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	32.4%	3.3%	13.5%		9.5%
Finance Department	7.4%	18.1%	10.2%		10.0%
Legal Department	2.8%	0.9%	1.9%		1.5%
Merit Board	100.0%	0.0%	0.0%		96.0%
Office of Chief Information Officer	4.6%	100.0%	0.0%		4.9%
Office of Internal Auditor	29.5%	6.8%	70.4%		27.5%
Total	<u>11.6%</u>	<u>6.2%</u>	<u>10.5%</u>		<u>9.5%</u>
Grand Total	<u><u>21.1%</u></u>	<u><u>18.4%</u></u>	<u><u>33.6%</u></u>		<u><u>25.3%</u></u>

Prepared by Finance Department
June 24, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY

FY 2014
FOR NINE MONTHS ENDED MARCH 31, 2014

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 23,784,574	\$ 177,435	\$ 7,056,953	\$ 16,007,998	\$ 220,203	\$ 124,926	\$ 12,517	\$ 184,542
MFD\$	\$ 2,156,382	\$ 19,261	\$ 327,068	\$ 1,607,043	\$ 34,253	\$ 89,284	\$ 4,765	\$ 74,708
Percentage	9.1%	10.9%	4.6%	10.0%	15.6%	71.5%	38.1%	40.5%
Miscellaneous Services:								
Total \$	\$ 20,727,363	\$ 855,657	\$ 4,590,603	\$ 13,570,723	\$ 766,866	\$ 265,386	\$ 70,230	\$ 607,898
MFD\$	\$ 6,829,851	\$ 80,021	\$ 1,111,352	\$ 5,406,992	\$ 130,525	\$ 12,210	\$ 268	\$ 88,483
Percentage	33.0%	9.4%	24.2%	39.8%	17.0%	4.6%	0.4%	14.6%
Professional Services:								
Total \$	\$ 7,121,947	\$ 309,628	\$ 521,663	\$ 3,107,559	\$ 1,024,855	\$ 706,566	\$ 247,541	\$ 1,204,135
MFD\$	\$ 1,208,752	\$ 1,000	\$ 33,873	\$ 783,307	\$ 353,425	\$ 0	\$ 0	\$ 37,147
Percentage	17.0%	0.3%	6.5%	25.2%	34.5%	0.0%	0.0%	3.1%
Construction:								
Total \$	\$ 33,498,624	\$ 49,612	\$ 18,275,183	\$ 14,998,387	\$ 172,492	\$ 2,950	\$ 0	\$ 0
MFD\$	\$ 11,365,992	\$ 0	\$ 8,857,069	\$ 2,505,973	\$ 0	\$ 2,950	\$ 0	\$ 0
Percentage	33.9%	0.0%	48.5%	16.7%	0.0%	100.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 85,132,508	\$ 1,392,332	\$ 30,444,402	\$ 47,684,667	\$ 2,184,416	\$ 1,099,828	\$ 330,288	\$ 1,996,575
MFD\$	\$ 21,560,977	\$ 100,282	\$ 10,329,362	\$ 10,303,315	\$ 518,203	\$ 104,444	\$ 5,033	\$ 200,338
Percentage	25.3%	7.2%	33.9%	21.6%	23.7%	9.5%	1.5%	10.0%
Pr. Geo. Commissioners' Office								
Total \$	\$ 38,873							
MFD\$	\$ 5,748							
Percentage	14.8%							
Mont. Commissioners' Office								
Total \$	\$ 9,955							
MFD\$	\$ 2,373							
Percentage	23.8%							
Merit Board								
Total \$	\$ 17,701							
MFD\$	\$ 17,000							
Percentage	96.0%							
Office of Chief Information Officer								
Total \$	\$ 96,618							
MFD\$	\$ 4,726							
Percentage	4.9%							
Office of Internal Auditor								
Total \$	\$ 23,905							
MFD\$	\$ 6,568							
Percentage	27.5%							
GRAND TOTAL \$	\$ 85,319,560							
MFD\$	\$ 21,597,392							
Percentage	25.3%							

Prepared by Finance Department
June 24, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2014
FOR NINE MONTHS ENDED MARCH 31, 2014

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 38,873	14.8%	\$ 34,185	11.7%
Planning Department	2,184,416	23.7%	99,429	0.0%
Parks and Recreation Department	47,684,667	21.6%	3,642,680	1.0%
Total	<u>49,907,956</u>	<u>21.7%</u>	<u>3,776,294</u>	<u>1.0%</u>
<u>Montgomery County</u>				
Commissioners' Office	9,955	23.8%	3,534	0.0%
Planning Department	1,392,332	7.2%	70,954	0.4%
Parks Department	30,444,402	33.9%	2,940,267	2.7%
Total	<u>31,846,689</u>	<u>32.8%</u>	<u>3,014,755</u>	<u>2.7%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	1,099,828	9.5%	15,383	0.0%
Finance Department	1,996,575	10.0%	75,349	0.0%
Legal Department	330,288	1.4%	9,182	0.0%
Merit Board	17,701	96.0%	-	0.0%
Office of Chief Information Officer	96,618	4.9%	2,892	0.0%
Office of Internal Auditor	23,905	27.5%	795	0.0%
Total	<u>3,564,915</u>	<u>9.5%</u>	<u>103,601</u>	<u>0.0%</u>
Grand Total	<u>\$ 85,319,560</u>	<u>25.3%</u>	<u>\$ 6,894,650</u>	<u>1.7%</u>

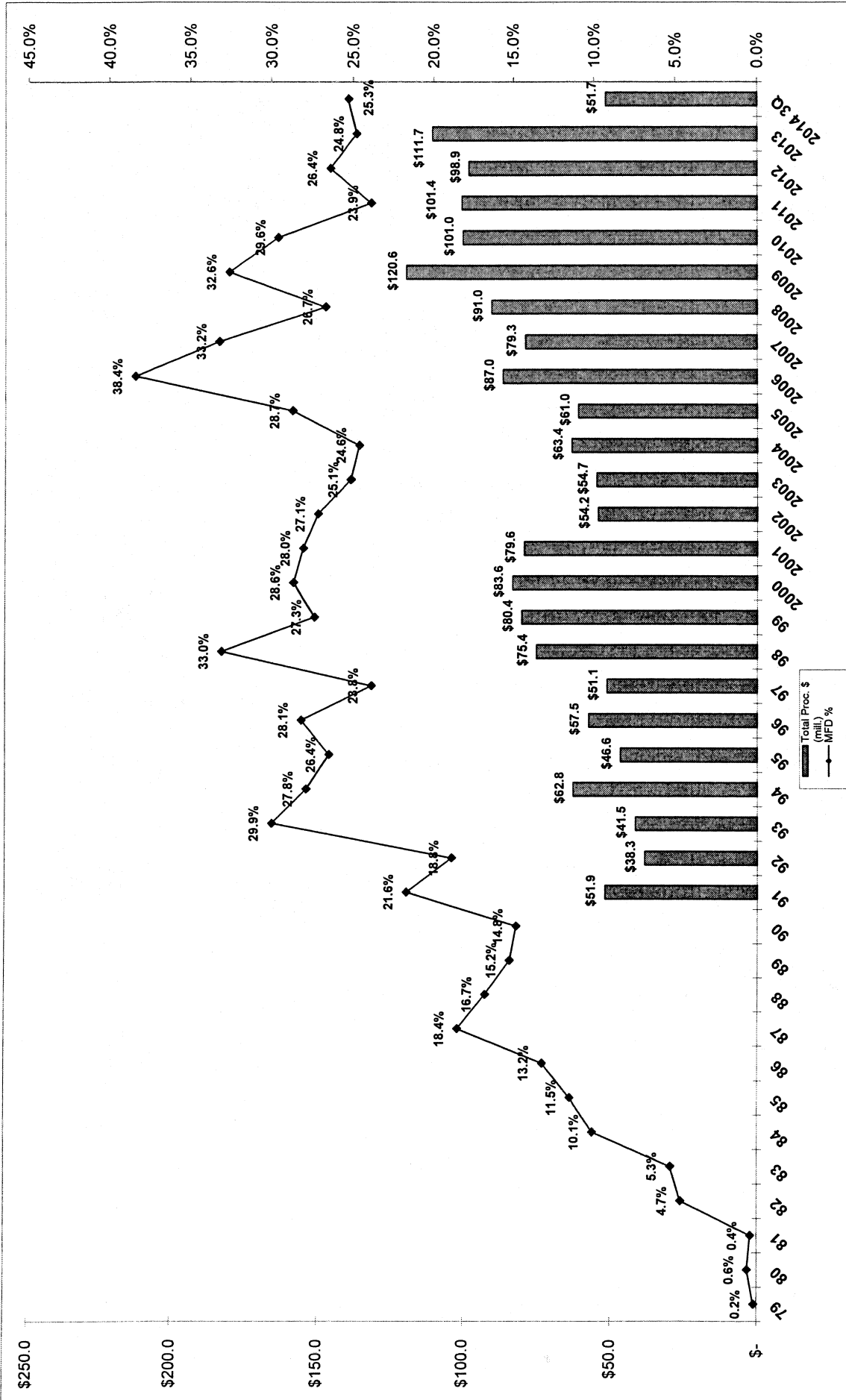
Percentage of Purchase Card Procurement to Total Procurement **8.1%**

Prepared by Finance Department
June 24, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



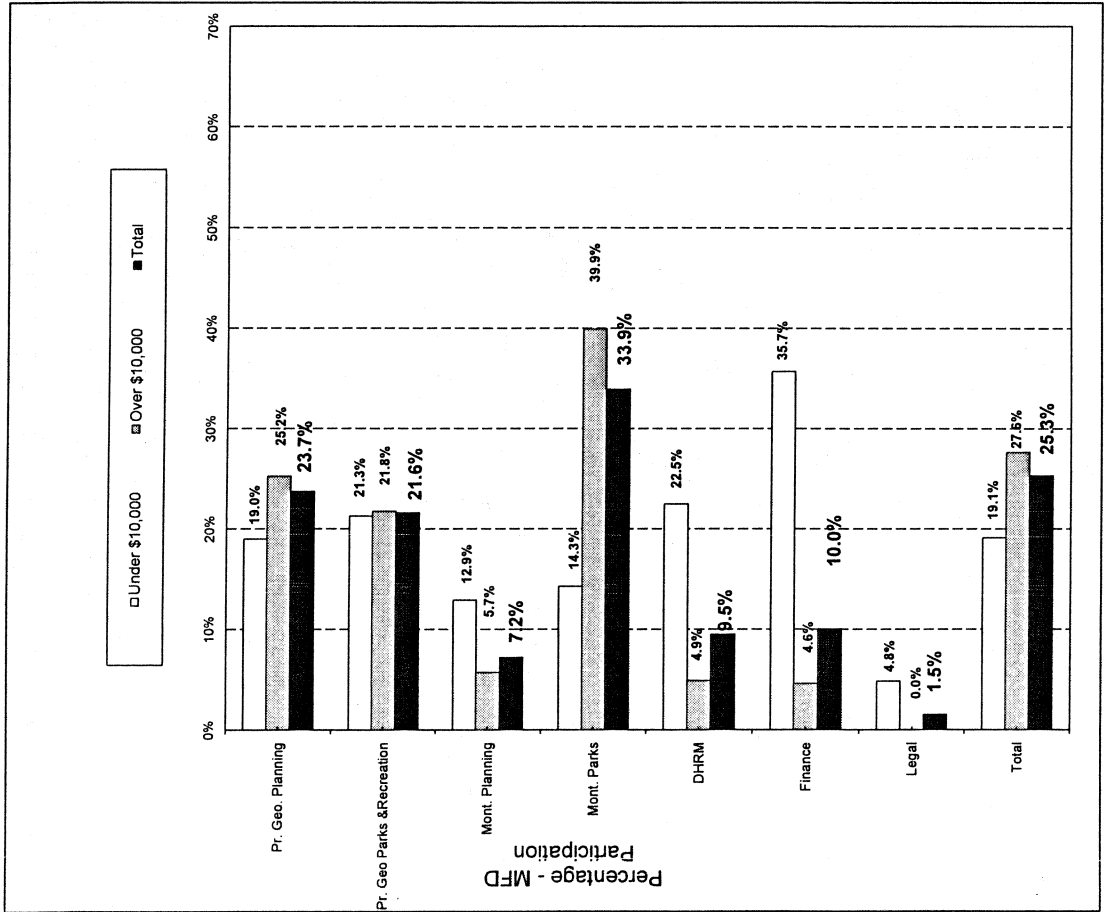
Prepared by Finance Department

June 24, 2014

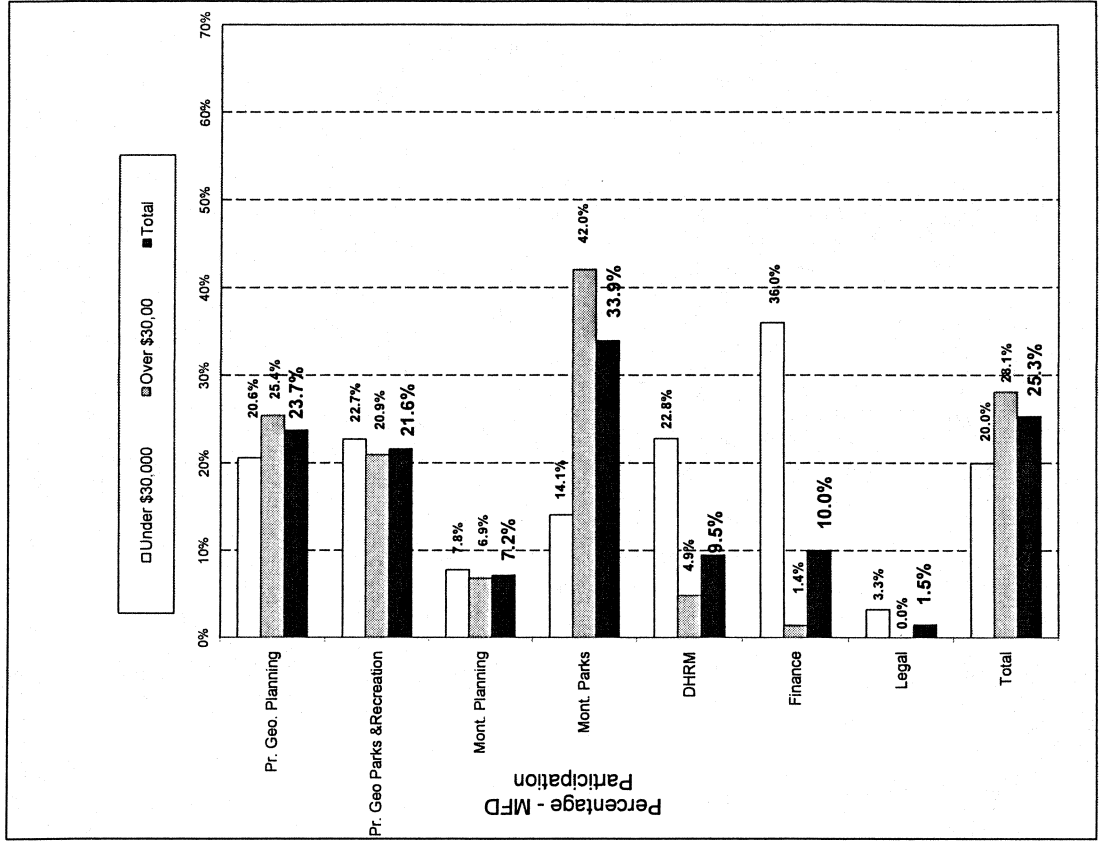
Attachment F

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2014 3Q

Under/Over \$10,000

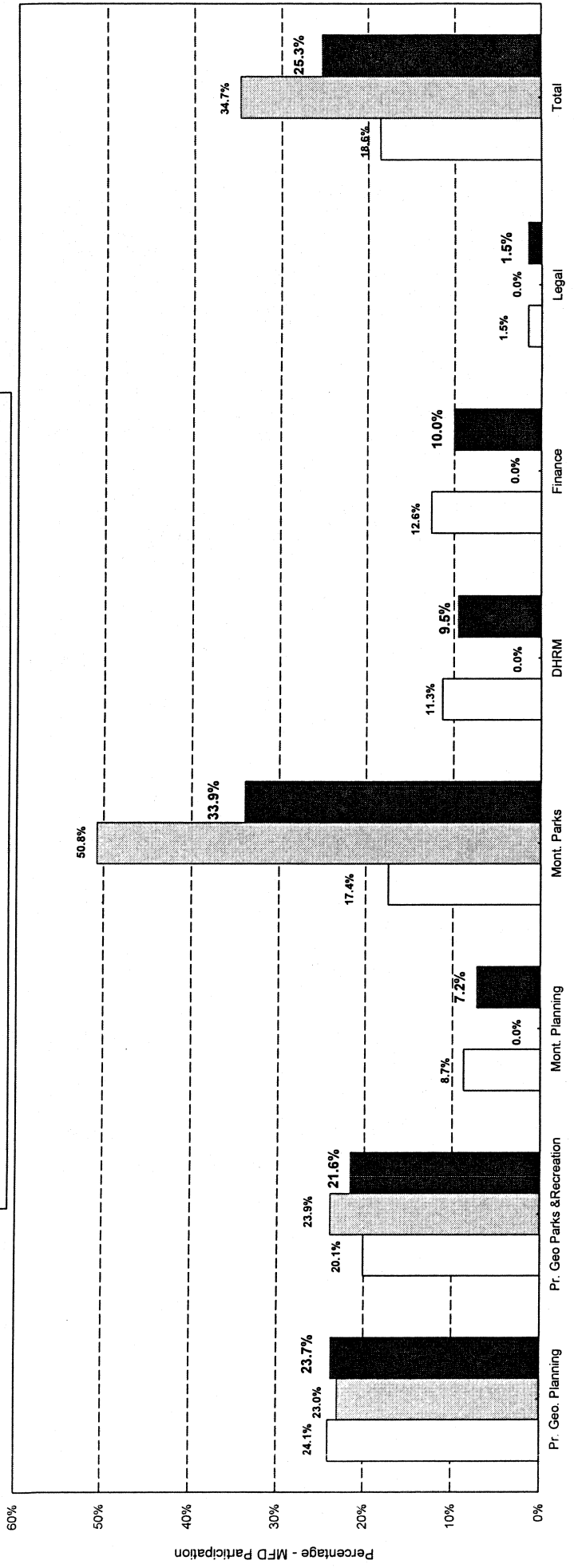


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2014 3Q

□ Under \$250,000 □ Over \$250,000 ■ TOTAL



Prepared by Finance Department
 June 24, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2014
FOR NINE MONTHS ENDED MARCH 31, 2014

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 17,599,101	20.6%	387	16.0%
Prince George's County	14,664,669	17.2%	799	33.0%
Subtotal	32,263,770	37.8%	1,186	49.0%
Maryland - other locations	30,750,034	36.1%	440	18.1%
Total Maryland	63,013,804	73.9%	1,626	67.1%
District of Columbia	1,400,083	1.6%	131	5.4%
Virginia	3,871,413	4.5%	175	7.2%
Other Locations	17,034,260	20.0%	493	20.3%
Total	\$ 85,319,560	100.0%	2,425	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 10,240,686	16.1%	261	15.2%
Prince George's County	7,901,580	12.4%	491	28.6%
Subtotal	18,142,266	28.5%	752	43.8%
Maryland - other locations	26,138,059	41.0%	333	19.3%
Total Maryland	44,280,325	69.5%	1,085	63.1%
District of Columbia	638,793	1.0%	78	4.5%
Virginia	2,492,873	3.9%	129	7.5%
Other Locations	16,310,177	25.6%	429	24.9%
Total	\$ 63,722,168	100.0%	1,721	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 7,358,415	34.1%	126	17.9%
Prince George's County	6,763,089	31.2%	308	43.8%
Subtotal	14,121,504	65.3%	434	61.7%
Maryland - other locations	4,611,975	21.4%	107	15.2%
Total Maryland	18,733,479	86.7%	541	76.9%
District of Columbia	761,290	3.5%	53	7.5%
Virginia	1,378,540	6.4%	46	6.5%
Other Locations	724,083	3.4%	64	9.1%
Total	\$ 21,597,392	100.0%	704	100.0%

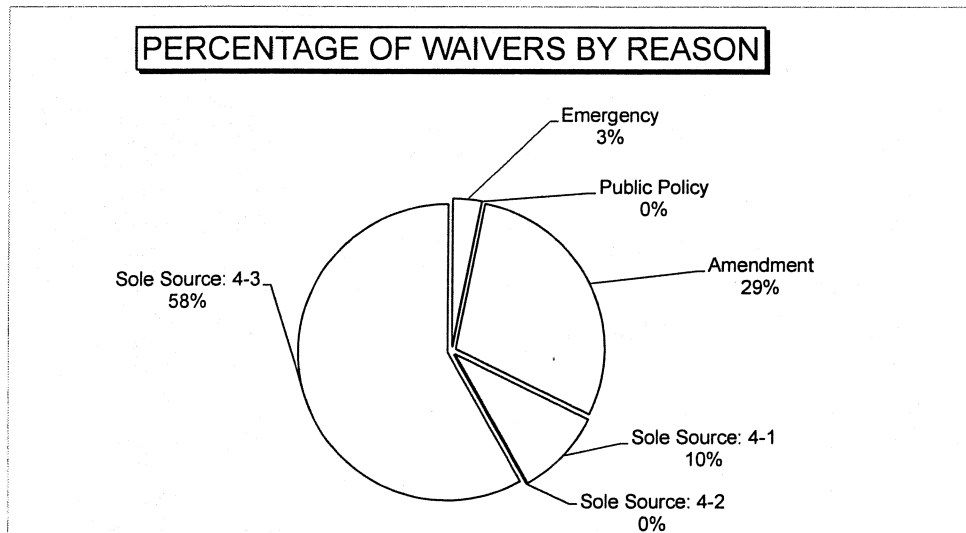
Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 51,690,413	60.6%	\$ 10,996,320	50.9%
Montgomery County	33,629,147	39.4%	10,601,072	49.1%
Total	\$ 85,319,560	100.0%	\$ 21,597,392	100.0%

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2014
FOR NINE MONTHS ENDED MARCH 31, 2014**

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	2	\$ 72,362	3%
Public Policy	0	-	0%
Amendment	10	\$ 684,900	29%
Sole Source: 4-1	7	\$ 223,916	10%
Sole Source: 4-2	0	-	0%
Sole Source: 4-3	5	\$ 1,365,138	58%
Total	24	\$ 2,346,316	100%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2014**

FOR THE NINE MONTHS ENDED MARCH 31, 2014

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
Prince George's County												
Commissioners' Office	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Planning Department	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Parks and Recreation Department	1,428,711	16	402,266	7	28.2%	175,916	6	633,538	0	633,538	4	56.7%
Total	1,428,711	16	402,266	7	28.2%	175,916	6	633,538	0	633,538	4	56.7%
Montgomery County												
Commissioners' Office	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Planning Department	60,964	2	0	0	0.0%	48,000	1	0	0	0	0	78.7%
Parks Department	856,641	6	0	0	0.0%	0	0	731,600	1	0	1	85.4%
Total	917,605	8	0	0	0.0%	48,000	1	731,600	0	731,600	1	85.0%
Central Administrative Services												
Dept. of Human Resources and Mgt.	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Finance Department	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Legal Department	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Merit Board	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Total	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%
Grand Total	\$ 2,346,316	24	\$ 402,266	7	17.1%	\$ 223,916	7	\$ 1,365,138	0	\$ 1,365,138	5	67.7%

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations.
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Human Resources and Management
April 1, 2014



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

July 9, 2014

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for the Month of June 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 16, 2014. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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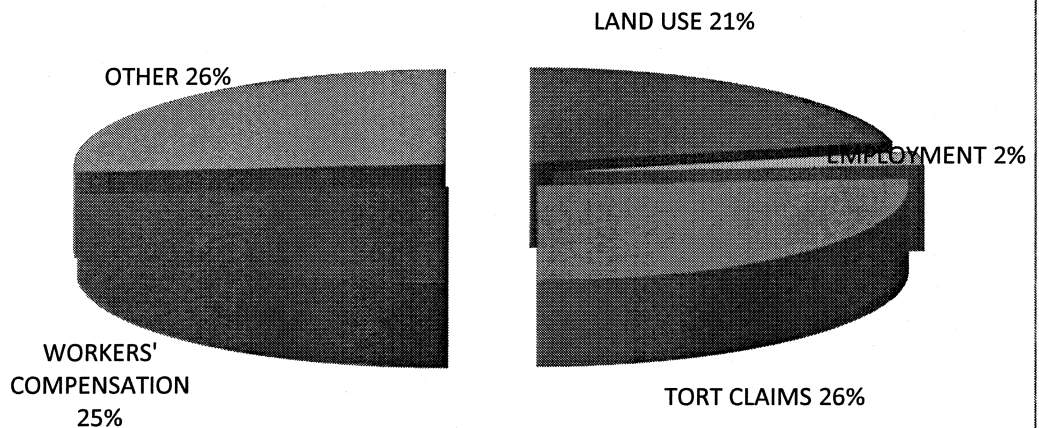
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June 2014 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	1		6	2			9
Admin Appeal: Other							-
Land Use Dispute	1						1
Tort Claims	10		1				11
Employment Dispute		1					1
Contract Dispute	2	1	1				4
Property Dispute	2		1	1			4
Civil Enforcement	1						1
Workers' Compensation	10						10
Debt Collection							-
Bankruptcy							-
Miscellaneous		1					1
Per Forum Totals	27	3	9	3	-	-	42

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

June 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	*9			16	13	15	9
Admin Appeal: Other (AAO)				0		1	0
Land Use Disputes (LD)		1		1	1		1
Tort Claims (T)	10	3	2	5	15	15	11
Employment Disputes (ED)	2		1	4	1	5	1
Contract Disputes (CD)	3	1		1	4	3	4
Property Disputes (PD)	*5		1	2	2	1	4
Civil Enforcement (CE)	1			1		2	1
Workers' Compensation (WC)	5	7	2	14	9	7	10
Debt Collection (D)	0			3			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	1			1	3	2	1
Totals	36	12	6	48	48	51	42

*These numbers from April Litigation Report were adjusted to reflect a change only in the classification category of Arking, et al v. MCPB on Page 26 (AALU=8 and PD=6).

**INDEX OF YTD NEW CASES
(7/1/2013 TO 6/30/14)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Boblits Enterprises v. Commission	PG Parks	Contract Dispute	July/Aug
Lewis, et al., v. The Peterson Companies	PG Parks	Tort Claim	July/Aug
Litrenta v. Commission	PG Parks	Tort Claim	July/Aug
Glessner v. Surratt House Museum, et al	PG Parks	Tort Claim	July/Aug
8045 Newell St. Condo Assoc. v. Commission	MCP	Admin Appeal: Land Use	July/Aug
The Town of University Park v. Commission	PGB	Admin Appeal: Land Use	July/Aug
Willoner, et al. v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Hume v. Maryland National Park Police	MC Parks	Miscellaneous	July/Aug
Armstrong, et al. v. Commission	MCPB	Admin Appeal: Land Use	July/Aug
The City of College Park v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Government Employees Ins. Co. v. Allison Claire Poirier et. al. & Commission	PG Parks	Tort Claim	September
Harper v. Commission	PG Parks	Tort Claim	September
Commission v. Murray	PG Parks	Workers' Comp	October
Bell v. Commission	PG Parks	Tort Claim	January
Butler v. Commission	PG Parks	Tort Claim	January
Commission v. 6509 Rhode Island Realty	PGPB	Property Dispute	January
Commission v. MARCOPOLO GF Co.	PGPB	Property Dispute	January
Phoenix v. Commission	PG Parks	Tort Claim	January
Rivera v. Commission	PG Parks	Judicial Review: WC	January
American Humanists v. Commission	PG Parks	Miscellaneous	February
Dong Nam V. Galen Evans, et al	MCPD	Tort Claim	February
State Roads Commission v. Commission	PG	Miscellaneous	March
Presensky v. Turnbull, et. al.	PG	Employment Dispute	April
Anderson v. Commission	PG Parks	Tort	April
Hartford Casualty Insurance Co. v. Commission	PG	CD	April
Bundu v. Commission	PG	Tort	May
Kelly v. Commission	PG Parks	Tort	May
Letke Security Contract v. Commission	MCP	CD	May
Duvall v. Commission	PG	LD	June
Geico v. Ness & Commission	PG	Tort	June
Commission v. Fleming	PG	Tort	June
White v. Commission	PG	WCC	June
Savoy, D. v. Commission	PG	WCC	June
Savoy, G. v. Commission	PG	WCC	June
Munoz-Saucedo v. Commission	MC	WCC	June
Munoz-Saucedo v. Commission	MC	WCC	June
Commission v. Sweeney	PG	WCC	June
Commission v. Ferman	MC	WCC	June
Kelly v. Commission	PG Parks	Tort	June

INDEX OF YTD NEW CASES (Continued)
(7/1/2013 TO 6/30/14)

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Rounds v. Commission (COA)	MCPB	Admin Appeal: Land Use	January
Arking v. Commission	MCPB	Admin Appeal: Land Use	February
Rock Creek Hills Cit. Assoc. v. Commission	MCPB	Admin Appeal: Land Use	February
Flores v. Commission (COSA)	PGPB	Admin Appeal: Land Use	May
Kelly Cananvan, et al v. Commisison	PGPB	Admin Appeal: Land Use	May
Fort Myer Construction Corp. v. Commission	MC	Contract Dispute	June

**INDEX OF YTD RESOLVED CASES
(7/1/2013 TO 6/30/2014)**

C. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rivera v. Commission	MC Parks	Workers Compensation	July/Aug
Commission v. Rivera	MC Parks	Workers Compensation	July/Aug
Commission v. Mereos	MCPB	Civil Enforcement	October
Felhauer, Jacob v. Commission	PG Parks	Tort Claim	October
Felhauer, James v. Commission	PG Parks	Tort Claim	October
Felhauer, Justin v. Commission	PG Parks	Tort Claim	October
Felhauer, Nicholas v. Commission	PG Parks	Tort Claim	October
Freeman v. Commission	PG Parks	Employment Dispute	October
Harper v. Commission	PG Parks	Tort Claim	October
Hume v. Maryland National Park Police	MC Park Police	Miscellaneous	October
Jenkins, Jennifer v. Commission	PG Parks	Tort Claim	
Mafinsky et. al. v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Pringle v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Witherspoon v. Commission	PG Parks	Tort Claim	October
Commission v. Eludoyin	PG Parks	Tort Claim (Subrogation)	January
GEICO v. Poirier et al. and Commission	PG Parks	Tort Claim (Subrogation)	January
Glessner v. Surratt House Museum, et al.	PG Parks	Tort Claim	January
Rollins v. Commission	PGPB	Admin Appeal: Land Use	January
Schwartz v. Dobbins	PG Parks	Tort Claim	January
Smithey v. Commission	PG Parks	Unemployment (ED)	January
Commission v. Tessier	MC	Workers Compensation	February
Armstrong, et al v. Montgomery County Planning Board	MCPB	AALU	March
Commission v. Brown	PGParks	CD	March
Commission v. Burke	PGParks	CD	March
Kazemi v. Commission	MCPB	AALU	March
Boblits Enterprises v. Commission	PGParks	CD	March
Jackson v. Commission	PGParks	Tort	April
Town of University Park v. Commission	PGPB	AALU	April
Willoner, et. al. v. Commission	PGPB	AALU	April
8045 Newell Street Condominium Assoc. Board	MCPB	AALU	April
Commission v. Fashina	MCPB	CE	April
Nam v. Evans, et. al.	MCPark	Tort	April
City of College Park v. Commission	PGPB	AALU	May
Commission v. Devore	PG	WCC	May
Presensky v. Commission	MC Parks	ED	May
Neal v. Commission	PG Parks	ED	May
Lewis, et al. v. The Peterson Co., L.C., et al	PG Parks	Tort	June
Commission v. Murray	PG Parks	WCC	June

**INDEX OF YTD RESOLVED CASES
(7/1/2013 TO 6/30/2014-Continued)**

Presensky v. Christy Turnbull, et. al.	MC Parks	ED	June
Short v. Commission	PG	WCC	June
Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al	MCPB	PD	June
Kelly v. Commission	PG Parks	Tort	June

D. Appellate Court Cases Resolved.

Prince George's County Md. v. Mazzei	PG	Workers Compensation	September
Rounds v. Commission (COSA)	MCPB	Admin Appeal: Land Use	October
Keller Brothers Inc. v. Commission	PGPB	Admin Appeal: Other	January
Arking, et al. v. Montgomery County Planning Board	MCPB	AALU	February
Jones v. McNeal	PGParks	Miscellaneous	March
Kelly Canavan & R. Phoebus, et al v. Commission	PGPB	AALU	April

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Commission v. Devore	Commission appealing the Workers' Compensation Commission decision.	Case Remanded to WCC 03/13/14.
Commission v. Rivera	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 07/15/13.
Commission v. Tessier	Commission appealing the Workers' Compensation Commission decision	Case Remanded to WCC 01/14/14
Nam V. Evans	Tort-Plaintiff injured on golf course not owned by Commission	Plaintiff filed Amended Complaint eliminating Commission as a defendant on 02/24/14.
Presensky v. Commission	Defense of claim alleging employment discrimination.	Defendant's Verdict on 04/03/14.
Presensky v. Christy Turnbull, et. al	Defense of claim alleging employment discrimination.	Case dismissed on 05/13/14.
Rivera v. Commission	WCC found claimant did not sustain an occupational disease, claimant appealed	Case remanded to WCC 08/06/13
Montgomery County Park Police		
Hume v. Maryland Park Police	Defense of claim for reimbursement for personal items allegedly taken during eviction from Commission property located in the Twinbrook section of Rock Creek Park.	Commission's Motion to Dismiss granted on 10/15/13.

Montgomery County Planning Board		
8045 Newell Street Condominium Association, et. al. v. Commission, et. al.	Petition for Judicial Review of the Montgomery County Planning Board approval of development at 8001 Newell Street, Project Plan #920130020.	Case remanded to Montgomery County Planning Board on 02/21/14.
Armstrong, et al. v. Montgomery County Planning Board	Petition for Judicial Review of the Montgomery County Planning Board approval of Chelsea Court, Preliminary Plan Site Plan #120130000 and Site Plan #820130040	Case dismissed with prejudice for Plaintiff's Failure to file Memorandum of Law on 01/22/14.
Arking, et al. v. Montgomery County Planning Board	Review of Montgomery County Planning Board approval of re-subdivision plan on Gainsborough Road	Court of Special Appeals affirmed Montgomery County Circuit Court decision 11/20/13.
Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al	Declaratory judgment action seeking relief from deed covenants and restrictions	Case settled-joint stipulation of dismissal w/prejudice filed on 05/01/14.
Commission v. Fashina, et al	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.	Order of Court granting Petition; judgment recorded. 2/18/14
Commission v. Mereos	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Case dismissed without prejudice per Rule 2-507 on 07/11/13 for inability to serve and prosecute the case
Kazemi v. Montgomery County Planning Board	Petition for Judicial Review of the decision of the Montgomery County Planning Board in the case of Alveamar Woods, Lot 17, Preliminary Plan 11999034A	Case dismissed without prejudice 12/20/13.
Makfinsky, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.	Order affirming Commission approval of preliminary plan 09/04/13
McClure v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.	Order of Court reversing penalties ordered by the Planning Board, filed: 07/03/13; Notice of Appeal filed 08/01/13.
Pringle v. Montgomery County Planning Board	Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.	Order denying Writ of Certiorari filed: 10/21/13

Rounds v. Montgomery County Planning Board	Defense of claim for violations of Maryland Constitution & Declaratory Relief –Farm Road easement	Order affirming dismissal by Circuit Court for Montgomery County 09/09/13
Sahady v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.	Order filed September 4, 2013 affirming the approval of Preliminary Plan 120110430 by the Montgomery County Planning Board.
Smith v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.	Order reversing order and opinion of Planning Board, filed: 05/23/13; Notice of Appeal filed: 06/21/13.
Prince George's County Department of Parks and Recreation		
Bobblits Enterprises v. Commission	Construction dispute at Fairwoods Park project/Bowie	Case settled and dismissed 3/13/14.
Commission v. Brown	Commission filed summary judgment to collect monies for unpaid rental fees at Equestrian Center	Judgment renewal 05/14/12.
Commission v. Burke	Commission filed confessed judgment for failure to pay rental for park property	Lien recorded 05/18/12.
Commission v. Eludoyin	Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.	Case Dismissed 11/21/13 in order to pursue third party lien.
Commission v. Murray	Commission is appealing the decision by the WCC that claimant suffered from an occupational disease	Order of Court Dismissing w/o Prejudice, remanded to WCC on 05/23/14.
Felhauer, Jacob v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, James v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Justin v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Nicolas v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Freeman v. Commission	Defense of claim alleging discrimination and retaliatory termination.	Jury verdict in Commission's favor: 10/03/13.

Glessner v. Surratt House Museum, et al.	Defense of a tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	Case Dismissed Pursuant to Defense's Motion to Dismiss 12/19/13
Government Employees Ins. Co. v. Allison Claire Poirier et al. and Commission	Defense of subrogation claim asserted by an insurance company arising out of motor vehicle accident involving a Commission employee and the company's insured.	Case dismissed pursuant to arbitration agreement, 11/18/13
Harper v. Commission	Defense of a \$250 tort claim for property damage allegedly caused by golf ball that escaped from the Commission's Enterprise Golf Course	Judgment in favor of the Commission on 08/20/13
Jackson v. Commission	Defense of claims arising from injury sustained by patron while playing tennis	Case settled and dismissed. 02/19/14
Jenkins, Jennifer v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13
Jones v. McNeal	Defense of Commission for MPIA	Case dismissed on Court of Special Appeals initiative 04/30/13.
Kelly v. Commission	Defense of claim for injuries sustained in a slip and fall at Newton White Mansion.	Intention to Defend and Request for Jury Trial filed by Commission 06/09/14.
Lewis, et al. v. The Peterson Companies, L.C., et al.	Defense of tort claim alleging that Park Police failed to prevent certain third-parties from assaulting the plaintiffs during a visit to the National Harbor area	Court granted Commission's Motion to Dismiss on 05/02/14.
Neal v. Commission	Defense of claim alleging discrimination.	Case settled 04/16/14.
Schwartz v. Dobbins	Defense of claim arising from motor vehicle accident.	Case settled and dismissed 02/03/14.
Short v. Commission	WCC found claimant did not sustain an occupational disease. Claimant appealed.	Joint Motion to Dismiss granted; remanded to WCC on 05/13/14.
Smithey v. Commission	Former employee appealing administrative decision concerning unemployment benefits.	Case dismissed and administrative decision affirmed.
Witherspoon v. Commission	Defense of Commission against suit for personal injury resulting from automobile accident	Case dismissed on 10/16/13.

Prince George's County Planning Department			
Prince George's County Planning Board			
Kelly Canavan & Randy Pheobus, et. al. v. Commission	Appeal of Prince George's County Planning Board approval of Saddle Creek's Preliminary Plan of Subdivision	Order by Court of Special Appeals affirming Judgment on 03/18/14.	
City of College Park v. Commission	Petition for judicial review of Prince George's County Planning Board development approval for the Cafritz property, SP-130002.	Case dismissed on 04/15/14.	
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Case settled and Appeal dismissed on 01/27/2014.	
Rollins v. Commission	Defense of approval of Preliminary Plan 4-10026	Planning Board's Decision Affirmed 12/17/13	
Town of University Park v. Commission	Petition for Judicial Review of development approval for the Cafritz Property, SP-130002.	Case dismissed on 03/25/14.	
Willoner, et. Al. v. Commission	Petition for Judicial Review of development approval for the Cafritz Property, Preliminary Plan #4-13002.	Case dismissed on 03/28/14.	
Prince George's Park Police			
Prince George's County v. Mazzei, et al.	Order from Workers' Compensation Commission which found that claimant did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from COSA in favor of Claimant, Mazzei.	Order affirming Circuit Court decision: 09/18/13.	

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Soresi

Case No. 050200101202014(T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee.

Status: Complaint filed.

Docket:

04/30/14	Complaint filed
07/08/14	Trial Date

GEICO v. Ness, et al

Case No. 050200328172013 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Complaint filed.

Docket:

12/11/13	Complaint filed
08/22/14	Trial Date

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Letke Security Contract v. Commission

Case No. 060200078312014 (CD)

Lead Counsel: Harvin

Other Counsel:

Abstract: Defense of claim for breach of contract.

Status: Complaint filed.

Docket:

05/12/14	Complaint filed
09/03/14	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission
Case No. CAL14-07980 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: Complaint filed.

Docket:

04/07/14	Complaint filed
05/30/14	Motion to Dismiss filed by Commission

Bell v. Commission
Case No. CAL13-35417 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.

Status: In discovery.

Docket:

11/19/13	Complaint filed
12/09/13	Answer filed
04/23/14	Pretrial Conference Scheduled
10/01/14	Trial

Butler v. Commission
Case No. CAL14-00382 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer.

Status: In discovery.

Docket:

01/22/14	Complaint filed
06/30/14	Commission's Motion for Partial Summary Judgment Granted; liability is entered in favor of the Plaintiff, scheduled for trial on the issue of damages only

Commission v. 6509 Rhode Island Realty Corp.

Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant
06/05/14	Motion to Request Reissue of Summons

Commission v. Fleming

CAL14-15514 (Tort)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit for personal injuries sustained by Commission employee.

Status: Complaint filed.

Docket:

06/20/14	Complaint filed
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Commission v. MARCOPOLO GF Co.

Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
06/05/14	Motion to Reissue Summons

Commission v. Rivera

CAL13-37223 (WC)

(Cross-Claim of Case No. CAL 13-37715 below)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding permanency award.

Status: Pending Trial

Docket:

12/12/13	Petition Filed
07/22/14	Pretrial Conference

Rivera v. Commission

CAL13-37715 (WC)

(Cross-Claim of Case No. CAL 13-37223 above)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Pre-Trial Conference

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
03/24/15	Trial

Commission v. Sweeney

Case No. CAL13-35118 (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC ordered temporary total disability and Commission appealed.

Status: Settled and Dismissed

Docket:

11/19/13	Petition for Judicial Review filed
03/19/14	Case settled and dismissed

Duvall v. Commission
CAL14-13457 (LD)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim for land dispute.

Status: Complaint filed.

Docket:

05/30/14	Complaint filed.
06/13/14	Amended Complaint filed.

Kelly v. Commission
CAL 14-13688 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in a slip and fall at Newton White Mansion.

Status: Complaint filed.

Docket:

06/12/14	Complaint filed; transferred from District Court, jury trial prayed
10/23/14	Pre-trial conference

Litrenta v. Commission, et al.
Case No. CAL13-15566 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. The driver is also named as a defendant.

Status: In discovery.

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Commission filed cross-claim against Co-Defendant Lao
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.
01/27/14	Co-Defendant's Answer to Commission's Cross Claim filed
01/29/14	Co-Defendant's Line Withdrawing Motion to Dismiss filed

05/12/14	Second Amended Complaint filed
05/22/14	Commission filed Answer to Second Amended Complaint
05/30/14	Commission filed for Motion for Discovery Sanctions against Litrenta
06/05/14	Commission withdraws Motion for Sanctions
08/04/14	Pre-Trial conference

Phoenix v. Commission
Commission v. Greater Washington Umpires Association
Case No. CAL13-29010 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained during a baseball game at Fletcher's Field. Commission filed a third party complaint against game officials.

Status: In discovery

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/10/14	3 rd Party Complaint filed
07/28/14	Pre-trial conference

Reijerson v. Commission
Case No. CAL13-11339 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition for Judicial Review filed
04/29/13	Response to Petition filed
08/06/14	Trial

Savoy, D. v. Commission
Case No. CAL14-09608 (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 9% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/29/14	Petition for Judicial Review filed
05/08/14	Response to Petition filed
09/09/14	Pre-trial conference

Savoy, G. v. Commission
Case No. CAL14-09719 (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 2% permanent partial disability of right hand and claimant appealed.

Status: Pending Trial

Docket:

05/02/14	Petition for Judicial Review filed
05/14/14	Response to Petition filed

White v. Commission
Case No. CAL12-07503 (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC ordered certain surgery not causally related to accident injury and claimant appealed.

Status: Pending Trial

Docket:

03/07/12	Petition for Judicial Review filed
05/06/13	Motion to remand granted; case remanded to WCC
05/08/14	Motion to Reinstate filed
06/20/14	Hearing; Motion to Reinstate granted
10/15/14	Trial Date

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Fermin
Case No. 383591-V (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.

Status: Dismissed

Docket:

10/30/13	Petition for Judicial Review filed
04/11/14	Case Settled and Dismissed

Commission v. Johnson
Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third-party claim by Commission)
Case No. 369478-V (CD)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County. Commission filed third party complaint for alleged breach of contract seeking contribution and indemnity, and defense from URS Corporation.

Status: Awaiting ruling on pending motion.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies

01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement
04/11/14	Commission's Motion for Sanctions for Lack of Substantial Justification of Attorney's Fees and Costs against Fort Myers Construction
04/11/14	URS's Motion for Sanctions
04/28/14	Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68.
04/28/14	Court granted Motion for Sanctions by URS and awarded Attorney's Fees and Costs against Fort Myer Construction in the amount of \$248,638.31.
05/05/14	Court enters Judgment in amount of \$103,420 in favor of URS on Counterclaim against Commission.
05/05/14	Court rules in favor of Commission on Third Party Complaint against URS holding that URS owed Commission a duty to defend.
05/15/14	Commission files Motion to Set Hearing on damages associated with failure of URS to defend issue.
05/15/14	URS files notice of appeal on duty to defend issue
05/23/14	Appearance of new counsel entered for Fort Myer
05/30/14	URS files opposition to Commission's Motion to Set Hearing on Damages
06/02/14	Court enters judgment in favor of Commission and URS for sanctions Court awarded against Fort Myer.
06/02/14	Court denied Motion for Sanctions filed by Fort Myer.
06/04/14	Notice of Appeal filed with COSA by Plaintiff
06/12/14	Motion of Stay of Execution of Judgment filed by Plaintiffs.

06/16/14	Commission's reply to URS's Opposition to Commission's Motion to Set Hearing on Damages
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Kaviani v. Montgomery County Planning Board

Case No. 386387-V (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Petition for Judicial Review filed

Docket:

01/22/14	Petition filed
02/25/14	Commission's Response to Petition for Judicial Review

Munoz-Saucedo v. Commission

Case No. 388096 -V (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Hearing

Munoz-Saucedo v. Commission

Case No. 388097 -V (WCC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Hearing

MARYLAND COURT OF SPECIAL APPEALS

Beatty v. Montgomery County, et al.
September term 2012, Case No 02296 (T)

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Claimant is suing for tort arising from slip and fall.

Status: Affirmed

Docket:

01/14/13	Notice of Appeal
02/25/13	Order from Court of Special Appeals stating that case will proceed without a Prehearing Conference
12/05/13	Oral Argument held
06/04/14	Order by COSA affirming Judgment of 12/19/12.

Bernando Rene Flores v. Commission
Case No. 01239, September Term 2013 (PD)

Lead Counsel: Mills
Other Counsel:

Abstract: Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.

Status: Pending scheduling of oral argument

Docket:

08/26/13	Notice of Appeal
10/19/13	Order from Court of Special Appeals stating that case will proceed without a Prehearing Conference; oral argument set for September, 2014

Fort Myer Construction Corporation v. Commission

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Third Party Defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation. Plaintiff noted appeal from Court's award of monetary sanctions against it in favor of the Commission and URS Corporation.

Status: Pending Scheduling of oral argument.

Docket:

06/04/14	Notice of Appeal filed by Third Party Defendant
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Hall, et al. v. Commission
September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Pending scheduling of oral argument

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
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McClure v. Montgomery County Planning Board
September Term 2013, No. 01031 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed from the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Pending scheduling of oral argument

Docket:

08/01/13	Notice of Appeal
04/03/14	Order re-scheduling case to September 2014 session

Rock Creek Hills Citizens Association, et al v. Commission
September Term 2013, No. 365 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision

Docket:

05/20/13	Notice of Appeal-Ct of Special Appeals
07/19/13	Order-directing appeal to proceed w/o pre-hearing conference
01/24/14	Brief filed by Commission
03/05/14	Oral Argument held
04/01/14	Opinion from Court of Special Appeals affirming Montgomery County Circuit Court judgment-appellants lack standing to pursue the Federal Land and Water Conservation Fund claims.
04/22/14	Motion for Reconsideration filed.
05/02/14	Court of Special Appeals orders all parties to file a Joint Response to Motion To Reconsideration.
05/19/14	Joint Reconsideration response filed.

Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Awaiting Oral Argument

Docket:

08/01/13	Notice of Appeal
02/07/14	Appellant's Brief filed
04/10/14	Appellee's Brief filed
06/04/14	Oral Argument

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460 (AALU)

Lead Counsel: Lieb
Other Counsel: Rubin

Abstract: Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Awaiting Decision

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
10/10/12	Oral argument held

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Awaiting Oral Argument

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
06/11/14	Oral Argument

MARYLAND COURT OF APPEALS

Arking, et al. v. MCPB

September Term 2013, Case No. 676 (AALU)

Lead Counsel: Rubin
Other Counsel: Dumais

Abstract: Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.

Status: Petition for Writ of Certiorari filed.

Docket:

02/19/14	Petition for Writ of Certiorari filed
03/07/14	Commission's answer in opposition to Petition for Certiorari

Kelly Canavan, et al v. Commission

Petition Docket No. 33, September Term 2014 (AALU)

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Prince George's County Circuit Court decision on 02/19/13 to uphold the Planning Board's approval of Saddle Creek's preliminary Plan of Subdivision.

Status: Petition for Writ of Certiorari filed.

Docket:

05/02/14	Petition for Writ of Certiorari filed
05/20/14	Commission's answer in opposition to Petition for Certiorari.

Rounds v. Commission

Case No. September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting oral argument.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted
06/30/14	Order re-scheduling case to November, 2014 session

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #8:14-CV550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner

Abstract: Defense of claim alleging religious advancement on public property

Status: Answer filed.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed
04/25/14	Motion for Leave to submit Amicus filed by interested Marylanders
05/01/14	Motion to Intervene filed by American Legion entities
05/06/14	Opposition filed by American Humanist Association
05/23/14	American Legion's Reply in Support of Motion to Intervene

Hartford Casualty Insurance Company v. Commission

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Case stayed.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case

Streeter v. Commission
Case No. 12-CV-0976 RWT(ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed
03/28/14	Letter from Clerk advising Plaintiff of right to file response within 17 days or be subjected to dismissal.