



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 16, 2021

Subject: Bill No. 18-21 – Budget – Departmental Personnel Summaries – Reclassification of Positions

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of the attached bill, which will allow reclassification of job classifications in the current expense budget under certain circumstances.

Background.

Section 4-11-101 discusses the contents of the current expense budget. Subsection (b) provides that:

the proposed current expense budget for each fiscal year shall list detailed departmental personnel summaries that include the number of employees by position title and classification; the pay grade for each position; the number of positions requested in the current fiscal year's budget by position title and classification; the number of positions approved in the current fiscal year's budget by position title and classification; and the number of positions requested in the upcoming fiscal year's budget by position title and classification. Once the proposed County budget for the upcoming fiscal year has been submitted by the County Executive to the County Council as required by § 706 of the Charter, a departmental personnel summary shall be revised only by an amendment to the budget that is presented to and adopted by the County Council.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Similarly, with respect to the classified service, § 6-1-110(a) provides that, with certain exceptions, “the number and classification of positions, including the number of positions in each classification, in an office or department of County government that are approved as part of the annual budget and appropriation ordinance [“ABAO”], shall not be changed during a fiscal year except as approved by ordinance of the County Council. Subsection 6-2-103(a) contains virtually the same provision with respect to certain enumerated positions in the exempt service.

One exception to the requirement in § 6-1-110(a) that changes to the number and classification of positions approved in the ABAO cannot be changed except as approved by ordinance of the County Council is a change that results from “reclassifying an occupied position pursuant to § 6-1-108 based on an evaluation by the Personnel Officer of the duties, tasks, and responsibilities performed by the employee in the position or based on a proficiency advancement within a proficiency class series”. Sections G-02 through G-04 of the Employee Relations Manual describe the reclassification process in various scenarios, including “based on an evaluation by the Personnel Officer of the duties, tasks, and responsibilities performed by the employee in the position”. The Employee Relations Manual sets dates for these reclassifications that, theoretically, allows them to occur such that the determination may be made in time to be included in the proposed budget for the next fiscal year.

When the Budget Office formulates the proposed current expense budget, department heads will advise that they plan to seek reclassifications of occupied positions in the upcoming fiscal year. The Budget Office would like to be able to reflect those reclassifications in the proposed budget, both to be able to include any changes in the dollar amounts needed to finance those reclassifications and to show the plan for filling personnel needs moving forward into the next fiscal year. There is no clear mechanism to reflect these planned reclassifications in the personnel summaries that are included in the proposed budget. Reclassifications of employees or hiring persons into those positions is a function of the Office of Personnel. As a matter of fact, Section 810 of the Charter provides that:

A permanent employee in a classified position . . . whose position has been abolished shall be suspended but placed upon an eligibility list for a position for which he is qualified under such procedures and conditions as the Personnel Board shall specify.

Thus, under the Charter, a position count under a job classification that does not include a sufficient number of positions to include all employees currently in those job classifications would result in employees’ positions being abolished and the employees being suspended. Under the current Charter and Code provisions, the employees cannot be considered to be filling positions that are under other or “reclassified” job classifications because they have not been moved into those job classifications through the hiring or reclassification process.

Purpose.

The purpose of the Bill is to provide a mechanism to reflect planned reclassifications of occupied positions in the personnel summaries that are included in the proposed budget without affecting employees who are currently in positions under the job classifications that are planned

for reclassification. Those employees will be considered to be underfilling the modified or reclassified job classifications.

Summary.

SECTION 1 of the Bill adds § 4-11-101(b)(2), which permits the proposed current expense budget to include reclassifications of positions approved in the current fiscal year's budget that are occupied by employees, who will remain in the current position title and classification and will be considered as underfilling the reclassified job classification for the position. The added paragraph also provides that the proposed budget shall identify these positions and that the employee cannot be reclassified into the job classification unless reclassified or hired into the job classification and position as permitted by the Code and Employee Relations Manual.

SECTION 2 provides that the Bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Legislative Liaison
Chris Trumbauer, Budget Officer
Anne Budowski, Acting Personnel Officer