THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

March 13, 2019

12:00 noon – 2:00 p.m.

Prince George's County

Parks and Recreation

Administration Building

Auditorium

6600 Kenilworth Avenue

Riverdale, Maryland 20737

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This agenda reflects items for the rescheduled meeting of February 20, 2019.
Please note two closed discussion items have been added by the Executive Committee.
Changes are noted in red

ITEM 1

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, March 13, 2019)
(Rescheduled from February 20, 2019)
PRA (Auditorium)
12:00 noon – 2:00 p.m.
Lunch will be provided

	ACTION Motion	Second

1. **Approval of Commission Agenda** ***(12:00 noon)*** (+*) Page 1

2. **Approval of Commission Minutes** ***(12:05 p.m.)***
   a) Open Session – January 16, 2018 (+*) Page 3

3. **General Announcements** ***(12:05 p.m.)***
   a) Reminder regarding Financial Disclosure Statements (due April 30)
   b) March – Women's History Month
   c) April - Stress Awareness Month
   d) April - Alcohol Awareness Month

4. **Committee Minutes/Board Reports** (For Information Only) ***(12:15 a.m.)***
   a) Executive Committee Meeting – Open Session – February 12, 2019 (+) Page 9
   b) Executive Committee Meeting – Closed Session – February 12, 2019 (++)
   c) Employees' Retirement System Regular Board of Trustees Meeting – December 4, 2018 (+) Page 35
   d) Executive Committee Meeting – Open Session – March 6, 2018 H
   e) Executive Committee Meeting – Closed Session – March 6, 2018 (++) H

5. **Action and Presentation Items** ***(12:25 p.m.)***
   a) Review of Standby Compensation Pilot Program and adoption of Resolution 19-01 for the program (Harvin/Beckham/Coburn) (+*)Page 39
   b) Literacy Program Update (Shearer) (+) Page 49
   c) PMO Status Update (Chilet) (information item only) (+) Page 53
   d) Status Report – 2018 Summer Employment Program for People with Disabilities (Spencer/Glover) (+) Page 65
   e) Briefing on Preliminary FY20 Spending Affordability Guidelines for Montgomery County (Kroll) (discussion only)

6. **Officers' Reports** ***(1:15 p.m.)***
   a) Executive Director's Report (For Information Only)
      Late Evaluation Report (January 2019) (+) Page 69
   b) Secretary Treasurer (For Information Only)
      Investment Report, September 2018 (+) Page 71
   c) General Counsel (For Information Only)
      Litigation Report, January 2019 – FY 2019 (+) Page 77

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiation.

7. **Closed Session Items** ***(1:25 p.m.)***
   a) Minimum Wage (Harvin) (++) LD
   b) Collective Bargaining (Bennett/Spencer) (++) H

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
January 16, 2019

The Maryland-National Capital Park and Planning Commission met at the Prince George's Parks and Recreation Administration Office Auditorium in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners
Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners
Casey Anderson, Chair
Gerald Cichy
Natali Fani-Gonzalez

NOT PRESENT
Tina Patterson
Norman Dreyfuss

Chair Anderson convened the meeting at 10:06 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA
ACTION: Motion of Geraldo to approve the Commission agenda
Seconded by Bailey
8 approved the motion

ITEM 2-1 Rotation of the Commission Chair and Vice Chair
a) ACTION: Motion of Bailey to appoint Elizabeth Hewlett as Commission Chair
Seconded by Geraldo
8 approved the motion

b) ACTION: Motion of Geraldo to appoint Casey Anderson as Commission Vice-Chair
Seconded by Bailey
8 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – December 19, 2018
ACTION: Motion of Geraldo to approve the Commission minutes
Seconded by Bailey
8 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS
a) Upcoming M-NCPPC Black History Month Events.
b) Chair Hewlett congratulated former M-NCPPC attorney Jared McCarthy, who was recently appointed Circuit Court judge for Prince George's County.

c) Chair Hewlett thanked everyone who participated in the presentation to the new Prince George's County Executive Alsobrooks. She noted what a tremendous task it was to synthesize the scope and breadth of the agency into a short yet comprehensive presentation.
d) Chair Hewlett recognized Founders' days for a number of important organizations.

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

a) Executive Committee – Open Session – January 2, 2019
b) 115 Trust (OPEB) Meeting Minutes – September 26, 2018
c) Employees' Retirement System Board of Trustees Meeting – November 2018

ITEM 5 ACTION AND PRESENTATION ITEMS (taken out of order)

c) Actuarial Valuation OPEB (Zimmerman/Binder)

Secretary Treasurer Zimmerman briefed the Commission on the Other Post-Employment Benefits (OPEB) Trust, which the agency is required to maintain to fund retiree health benefits. This fund requires periodic actuarial valuation to determine annual funding contributions. Secretary-Treasurer Zimmerman introduced Actuary Kevin Binder of Bolton Partners who reviewed the actuarial valuation with Commissioners. Mr. Binder described recommended changes in funding and summarized the actuarial data from the past fiscal year and forecasts through Fiscal Year 2024. Mr. Binder described employer estimates for contributions and other sources of funding, total assets, estimated liabilities, and other factors.

Commissioner Doerner asked if the federal government shutdown would impact the reimbursement in any way. Mr. Binder said he was not aware of any federal government plan to reduce Social Security or Medicare payments. Secretary Treasurer Zimmerman added that federal reimbursement does not flow to the Trust itself, but to the Group Insurance Fund. It may affect the cash flow to the Fund, but would likely re-adjust during a future quarterly, annual, or 3-year true-up.

ACTION: Motion of Bailey to approve the report
Seconded by Doerner
8 approved the motion

d) Planned Legislative Event

General Counsel Gardner asked Commissioners to hold Wednesday, February 13, from 3-6 p.m. for an event in Annapolis. Based on discussions with Department Heads, the event will provide a proactive opportunity to showcase to lawmakers and constituents, the value of the M-NCPPC in the community. The event will be structured around the "parklet" concept. Planning and parks staff will erect display stations and provide activities inside one of the Miller Senate Office buildings. A video demonstrating how the agency's communities would look in the absence of the M-NCPPC will be shared. He noted tremendous staff support from all four operating departments.

Commissioner Washington inquired how Commissioners could assist in outreach. General Counsel Gardner asked the Commissioners to promote the event once the invitations were issued. Commissioner Cichy noted the Maryland Department of Planning and the Maryland Department of Natural Resources have given the agency a lot of support and funding and suggested representatives were invited. General Counsel Gardener noted he would make

certain representatives were sent invitations.

e) Proposed Reductions to meet FY19 Montgomery County Savings Plan.
Acting Executive Director Bennett introduced Corporate Budget Manager John Kroll to present a list of proposed reductions to meet Montgomery County Council's non-recommended savings plan. Acting Executive Director Bennett explained the team was sorry this item was added as a late presentation, however, the agency was only recently advised of the need to respond to the Council by Friday, January 18, 2019. The team wanted to ensure Commissioners had the opportunity to review the proposed cuts before submission to the County Council. Corporate Budget Manager Kroll described the prepared memo, reviewing the county's savings request. He explained that the savings affected the Administration and Park Funds including the CAS Administration Funds, for a combined savings of $1,803,868. Departments had identified areas to achieve these savings and the impact on their program delivery.

Commissioner Washington noted part of the proposed cuts by M-NCPPC included some funding for archives services and asked if that would present a compliance problem with the state. Acting Executive Director Bennett explained that the funding cuts would slow down the progress to improve record protections through the digitizing of records. However, the agency will maintain state compliance. On a separate matter, Commissioner Geraldo shared concern over a reduction of safety equipment indicated by Montgomery Parks and asked if employees would be at risk due to not having the proper equipment. Parks Deputy Director Pedoeem indicated that she would look into the matter and get back to them. Acting Executive Director Bennett assured Commissioners that the Safety Office identifies all mandatory personal protective equipment for employees and those would not be affected by the cut.

Budget Manager Kroll remarked if Commissioners support the proposed cuts, he would prepare a memo to the Montgomery County Council from Vice-Chair Anderson. Commissioner Doerner suggested when the agency submits the proposed cuts, a mechanism be put in place to notify the public of the impact and why services might not be up to the agency's usual standard, including impact from reduced funding to address non-native invasive plant species. Vice-Chair Anderson noted since it is close to the time the M-NCPPC is advocating for its budget, the agency should highlight areas not funded because of budget reductions along with the effect on services. Vice-Chair Anderson added volunteers and supporters would be helpful in advocating for the budget process. Commissioner Cichy agreed and suggested using communication platforms to let people know why this is happening.

ACTION: Motion of Geraldo to approve the memo
Seconded by Cichy
8 approved the motion

a) Recognition of 2018 Diversity Council and introduction of 2019 Diversity Council
Acting Executive Director Bennett introduced this item by providing history on the Diversity

Council, which is entering its 19th year. She acknowledged some of the trailblazers who helped envision the Diversity Council, including Chair Elizabeth Hewlett, former Executive Director Trudye Morgan Johnson, and former Commissioners Zola Boone and Allison Bryant. The Diversity Council, which is comprised of a cross-section of employees, was formed to enhance diversity and inclusion, recommend policies to support this mission, and develop initiatives through strategic plans and programs.

Acting Executive Director Bennett introduced the 2019 Diversity Council members, noting the departments each represents and their individual interests in supporting the mission. She followed with recognizing the outgoing the 2018 members and thanked them for their service and hard work on the Council. She thanked Commissioner Patterson, who volunteers as special advisor to the Council and offers invaluable support. She also recognized former Executive Director Barney for her tireless support of the Council during her tenure and Department Directors for supporting employees who volunteer on the Council.

Chair Hewlett noted her appreciation for the new format of the packet item, saying it is difficult to get to know the different people on each Diversity Council, particularly those who work in different departments, and it was helpful to see the names, faces, biography and other details of the members presented so well. Mr. Dunn thanked Acting Executive Director Bennett for her support and direction on how to introduce the Council to the Commission.

b) Diversity Council 2018 Annual Report

Acting Executive Director Bennett introduced former Council Chair Robert Feeley and incoming Council Chair William Dunn, who presented the 2018 Annual Report.

Commissioner Washington extended congratulations and asked what metrics the Council uses to measure its success. Mr. Dunn replied that participation at their programs is measured and a Commission-wide Diversity and Inclusion survey was last conducted in 2017. Commissioner Washington suggested establishing goals to determine where the agency wants to be, gather data as a starting point and measuring progress over time. She suggested engaging not only staff, but senior management as well. Acting Executive Director Bennett referenced the M-NCPPC's annual Personnel Management Review report and said some of those statistics might provide a baseline.

Chair Hewlett noted how much of a change she has seen in the agency since the Diversity Council was formed and praised their efforts in changing the agency's culture, citing inclusion of LGBQ programs, women's programs, multi-generational programs, literacy programs, programs for people with different levels of ability, and said the M-NCPPC is more welcoming and inclusive than it was in 1999. She noted the change in culture has affected policy. She provided the example that the M-NPCC has been a pioneer in providing benefits for domestic partners well before it became commonplace and while the level of diversity support in this agency is far stronger than in many others, there are always ways to improve.

Commissioner Cichy asked if there were any issues with discrimination or grievances during

exit interviews as a reason for why employees leave the agency. Chair Hewlett replied that the agency gets terrific feedback from exit interviews, but they are conducted inconsistently throughout the agency. Human Resources Director Spencer agreed and added discrimination complaints are very low compared with other jurisdictions and organizations. He said the Diversity Council sets the climate and environment for things to change for the better and makes the organization more attractive to current and potential employees and to its communities.

Commissioner Washington said M-NCPPC leadership needs to understand and appreciate that the agency is a community internally. She added that Commissioners and Department Heads drive the agency's culture, and leadership should show that it cares about the agency, that it is focused on the agency's culture, and examine it. The Diversity Council should be the vehicle through which certain programs are implemented and populations are engaged. Commissioner Bailey noted her involvement with the diversity movement for decades and commended the Diversity Councils' efforts and said as much as we have done as an agency, there is so much more we can do for each other if we are willing to converse.

Mr. Dunn added he would like the Diversity Council to focus on creating a platform for veterans employed by the M-NCPPC. He said veterans bring another range of diversity to the organization, and the agency could benefit in a greater participation in hiring them. Commissioner Washington noted how the view of diversity can be very limited if it is just thought of as ethnicity, because people need to appreciate and understand someone else's experience. Chair Hewlett agreed that the agency should incorporate more veterans in its workforce.

ITEM 7 OFFICERS' REPORTS

a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (December 2018)

b) Secretary Treasurer (For information only)

c) General Counsel (For information only)
Litigation Report

There being no further business to discuss, the meeting ended at 11:30 a.m.

James F. Adams, Senior Administrative Specialist

Anju A. Bennett, Acting Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES
February 12, 2019

On February 12, 2019, the Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson, and Acting Executive Director Anju A. Bennett. Also present were:

Department Heads
Andree Green Checkley, Director, Prince George's County Planning
Darin Conforti, Acting Director, Prince George's County Parks and Recreation
Adrian Gardner, General Counsel
John Nissell, Deputy Director, Montgomery County Parks, for Director Mike Riley
Gwen Wright, Director, Montgomery County Planning
Joseph Zimmerman, Secretary-Treasurer

Presenters/Staff
Michael Beckham, Policy Manager
Brian Coburn, Policy Analyst
Jeannette Glover, Program Manager, Recruitment & Selection
Katie Knaupe, Budget and Management Operations Chief, CPMO
John Kroll, Corporate Budget Director
Nathan Shearer, Management Analyst, CPMO
William Spencer, Human Resources Director

Acting Executive Director Bennett convened the meeting at 12:31 p.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA	
Discussion	Acting Executive Director Bennett added briefing on preliminary FY20 Spending Affordability Guidelines as communicated by Montgomery County (Kroll)
ITEM 1b – APPROVAL OF COMMISION MEETING AGENDA for February 20, 2019	
Discussion	Agenda adopted with the following changes: • Add date of February, 1 2019 for Freedom Day • Add date of March 8, 2019 for Women's History Month event; Suggestions for keynote speakers included Commissioner Fani-Gonzalez and Del. Joseline Pena-Melnyk • Add Presentation item: Program Management Office updates by the CIO (Chilet) • Add Presentation item: Spending Affordability Guidelines for Montgomery County (Kroll)
ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	Items to be added/clarified/modified to the Rolling Agenda: • March: Add details to Women's History Month Event (see above) • March: CAPRA – Acting Director Conforti said Department Heads are having discussions on the timing of the application for re-accreditation.

	• Discussion of cancelling or teleconferencing the March Commission meeting. Executive Committee agreed all items currently on the March rolling agenda may be moved to April. If something urgent arises or a matter requires input from the Commission, the Executive Director will request a teleconference meeting with Commissioners.

ITEM 2 – JANUARY 2, 2019 EXECUTIVE COMMITTEE MEETING OPEN SESSION MINUTES	
ACTION	Chair Hewlett moved to accept the minutes. Seconded by Vice-Chair Anderson. 3 approved.

DISCUSSION ITEMS: 3a – 2018 M-NCPPC Literacy and Language Proficiency Program (Knaupe/Shearer)	
Discussion	Mr. Shearer discussed highlights from the 2018 Program including some of the achievements of the participants. The 2019 session is underway. Classes in the current session are due to conclude in mid-April, after which program administrators will monitor employee progress, focusing on career advancement. Acting Executive Director Bennett praised Mr. Shearer's efforts on enhanced marketing of the program, which has resulted in an increased number of new enrollees, and his strong partnerships with field departments in promoting the program.
DISCUSSION ITEM: ITEM 3b – 2018 Summer Employment Program for People with Disabilities	
Discussion	Ms. Glover reported on this program, which has been ongoing since 1998. 2018 had the highest number of participants in five years. Most participants were placed in jobs covering playground and camp programs as playground aides, counselor aides and inclusion support staff. The greatest opportunities appear to be in the Department of Parks and Recreation. In October, the Prince George's Provider Council honored M-NCPPC as Employer of the Year, as well as naming one of the program participants as employee of the year. Human Resources Director Spencer explained that data was not collected for Montgomery Parks, since their program for hiring people with disabilities is coordinated through Montgomery County Government and noted Montgomery County Parks won the 2017 Employment Trailblazer Award for their efforts. Ms. Glover discussed participant feedback indicating it was very positive. There was a request to include more clerical and maintenance job opportunities. Ms. Glover also noted the recent automation of the interviewing process was a great success. Chair Hewlett asked Acting Director Conforti and Director Checkley to note the Summer Youth Enrichment Program, saying there is a need for a tremendous amount of hires and suggested they coordinate efforts with this Program.
DISCUSSION ITEM: Budget Briefing (Kroll)	

Discussion	Corporate Budget Director Kroll explained that the Montgomery County Council has sent Spending Affordability Guidelines and will be voting on it today. Their preliminary packet suggests a 5% decrease to the Fiscal Year 2020 proposed budget, a reduction of approximately $6.6M. Budget Director Kroll noted these cuts affect the Montgomery County departments as well as the bi-county CAS operations. The cuts to the bi-county operations will have an impact on services delivered to Prince George's County departments. Acting Executive Director Bennett explained that at the recent wage reopener with the FOP she shared the budget constraints being faced by M-NCPPC, so the Union would understand the fiscal climate. Budget Director Kroll stressed the magnitude of cuts needed in Montgomery County. Current proposed initiatives cut $2.4M, which falls well short of the $6.6M dictated by the County Council. Central Administrative Services is meeting with teams to determine what can and cannot be cut. Acting Executive Director Bennett asked the Chairs if this briefing should be brought to the Commission in February. Chair Hewlett and Vice Chair Anderson agreed it should.

Acting Executive Director Bennett moved the Executive Committee Meeting to Closed Session at 1:07 p.m. Open session resumed at 1:26 p.m.

ITEM MOVED FROM CLOSED SESSION FOR VOTE – AUTHORIZATION OF BUSINESS TRAVEL (Bennett/Beckham)	
Discussion	Acting Executive Director Bennett called for a vote on accepting amendments to Practice 3-10, Authorized Business Expenses, regarding restrictions on international travel, and the circumstances under which an employee may be authorized to participate on a panel as a speaker for an external business event.
Action/Follow-up	Vice Chair Anderson moved to approve the amendments to the policy. Chair Hewlett seconded. Three approved. Policy office will finalize the draft and ensure it is provided to employees. A copy will be included with the Executive Committee minutes.

There being no further business to discuss, the meeting adjourned at 1:26 p.m.

James F. Adams, Senior Administrative Program Specialist

Anju A. Bennett, Acting Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 14, 2019

To: The Commission

Via: Anju Bennett, Acting Executive Director

From: Michael Beckham, Policy Manager, CPMO
Brian Coburn, Senior Management Analyst, CPMO

Subject: Copy of Adopted Amendments to Practice 3-10, Authorized Business Expenses (Travel, Lodging, Meals, Events/Meetings/Conferences, Etc.)

M-NCPPC Practice 3-10, Authorized Business Expenses (Travel, Lodging, Meals, Events/ Meetings/ Conferences, Etc.) serves as the Agency's policy on authorized business travel. The policy establishes standards for authorized business expenses to ensure the prudent expenditure of public funds and outlines the process for review and approval of request to participate in external business events, travel, meetings, conferences, and the approval of other business-related expenses.

This Practice underwent a comprehensive review and rewrite in October 2016. Recently two areas gave rise to the need for additional language to address:

1. Clarification on restrictions on participation in international business events and related travel.

2. Appropriateness/authorization of participation as speakers or panel members in external events.

Executive Committee Decisions

Following review of these areas with Department Heads, Legal, and the Inspector General, the policy team recommended several updates to the policy. These updates were presented to, and adopted by, the Executive Committee on February 12, 2019. The revised Practice is provided for the Commission's information. Amendments are reflected in Attachment A and are highlighted below:

International Travel

1. Define international travel as any travel outside of the contiguous United States.

2. Reiterate the agency's position that international travel is generally not permitted and that individuals are encouraged to seek local business conferences/meetings/training to minimize costs.

3. Explain international travel may be considered only in exceptional cases when it meets certain criteria and it meets more stringent review.

4. Exceptions to the restriction on international travel requires approval of the Department Head, Executive Director, and respective Planning Board Chair(s).

Participation as a Speaker/Presenter/Panel Member in External Business Events

The existing policy states:

> Individuals are expected to use prudent judgment and discretion to ensure economical use of public funds. Employees should seek discounts from advance reservations, government entity status (including applicable tax exemption status), applicable professional memberships, etc., with the goal of minimizing authorized business expenses. In all cases, care must be exercised to avoid the appearance of impropriety in the incurrence of expenses and in the request for reimbursement. If a circumstance arises that is not specifically covered in this policy, then the most conservative course of action should be taken.

In addition to meeting the standards outlined in the policy statement, attendance in external trainings, conferences, workshops, and other external business meetings may be authorized by the Department Head when:

1. There is adequate funding;
2. Participation enhances employee effectiveness, develops professional skills, and enables the employee to carry out their duties.

The existing policy did not address participation in events as a speaker or panel member. The policy has been amended to state that such participation must be authorized by the Department Head. Additionally, language has been clarified that all participation must reflect prudent judgment and be sufficiently advantageous to the agency.

Attachments:

Attachment A: Copy of amendments adopted on February 12, 2019 to Administrative Practice 3-10, Authorized Business Expenses (Travel, Lodging, Meals, Events/Meetings/Conferences, Etc.)

Copy of Amendments to Administrative Practice 3-10, Authorized Business Expenses (Travel, Lodging, Meals, Events/Meetings/Conferences, Etc.)

Key to revisions:
Highlighted: Recommended additions
~~Strikeout~~: Recommended deletions
Bold: Comments to Department Heads

AUTHORITY

This Practice was initially approved by the Commission on February 8, 1984. The Practice was last amended by the Executive Committee on February 12, 2019.

APPLICATION

This Practice applies to all M-NCPPC employees, Department Heads (including appointed positions) and Commissioners. Unless otherwise specified in the Practice, the use of the word "employee" is intended to address all covered individuals.

PURPOSE AND BACKGROUND

This Practice was issued by the Commission to establish standards for authorized business expenses and ensure prudent accounting and expenditure of public funds for official travel, meetings, conferences, and other business-related expenses.

Subsequent to the initial issuance of this Practice, the Commission adopted the following amendments:

- October 1, 2008: Refined method of accounting for travel expenses; added a requirement for completion of consent form for the recognized requirements for collection of overpayment from travel advances. Removed distinction in the reimbursement rates meal reimbursement maximums for local and non-local travel.
- October 5, 2016: Revised for clearer and consistent definitions of local and non-local business expenses; and comprehensive guidance on: mileage reimbursement including deduction of "normal commuting mileage", meals, lodging, and responsibilities for authorization of travel expenses and waivers.
- February 12, 2019: Amended to: emphasize restrictions on international business travel in that such travel is generally not permitted and can only be approved in exceptional cases with the authorization of the respective Planning Board Chair(s). Amendments also clarify that participation as a speaker or panel member in external business events requires prior authorization as outlined in the Practice.

REFERENCES

Federal Standards

- U.S. General Services Administration (GSA) Per Diem Rates
- Internal Revenue Service (IRS) Standard for Mileage Rates

M-NCPPC Policies

- Administrative Practice 2-32, Institutes, Workshops, Seminars, Conferences and Other External Training
- Administrative Practice 3-12, Use of Request for Check Form
- Administrative Practice 6-10, M-NCPPC Vehicle Use Program
- M-NCPPC Notice 11-06, Expense Reimbursement for Use of Inter-County Connector
- M-NCPPC Notice 15-04, Expense Reimbursement for Mileage

POLICY RESOURCES/ QUESTIONS

Specific questions regarding this Practice should be referred to the Department of Finance Accounts Payable Office at apsection@mncppc.org or 301-454-1596, which is responsible for implementation and ensuring compliance with this Practice. General question about the Practice or requests for copies should contact the Corporate Policy Office at policyreview@mncppc.org or 301-454-1740.

DEFINITIONS

Appointed Officers: The Executive Director, Secretary-Treasurer and General Counsel for the M-NCPPC. These positions also serve a dual role of Department Heads for their respective operations.

Commissioners: The five members from each of the agency's two Planning Boards for Montgomery County and Prince George's County.

International Travel: For purpose of this Practice, any travel outside of the contiguous United States.

Local Area: The regions of Montgomery and Prince George's Counties and Washington, D.C., as well as the following surrounding Counties and municipalities that are within a 50-mile radius of the Agency's Executive Office Building: Alexandria; Arlington County; Anne Arundel County; Baltimore City; Baltimore County; Calvert County; Carroll County; Charles County; Fairfax County; Fairfax City; Falls Church; Fauquier County; Frederick County; Harford County; Howard County; Kent County; Loudoun County; Manassas; Manassas Park; Prince William County; Queen Anne's County and Stafford County.

Meal Allowance: The rate at which individuals are reimbursed for meal expenses while in travel status.

Non-local Area: Any region that falls outside the definition of "Local Area".

Normal Commuting Mileage: The normal daily round-trip distance traveled

between an individual's residence and his/her official work location.

Official Assigned Worksite: The employee's standard or regular work location.

The Commission: The governing body of the Maryland-National Capital Park and Planning Commission (M-NCPPC) which is comprised of the five members from each of the agency's two Planning Boards for Montgomery County and Prince George's County.

The Maryland-National Capital Park and Planning Commission (M-NCPPC): The organizational entity. For purposes of this Practice, the terms "M-NCPPC" or "agency" shall be used to reference the organizational entity.

Travel Status: The period of time during which an individual is traveling on official business. Travel status does not include the normal daily commute between the employee's residence to his/her official assigned worksite.

POLICY

It is the policy of the M-NCPPC to reimburse employees for reasonable and necessary expenses incurred in connection with required participation in authorized business events. Participation in business events and funding of related expenses must be authorized as indicated in this Practice.

Individuals are expected to use prudent judgment and discretion to ensure economical use of public funds. Employees should seek discounts from advance reservations, government entity status (including applicable tax exemption status), applicable professional memberships, etc., with the goal of minimizing authorized business expenses. In all cases, care must be exercised to avoid the appearance of impropriety in the incurrence of expenses and in the request for reimbursement. If a circumstance arises that is not specifically covered in this policy, then the most conservative course of action should be taken.

This policy establishes standards on the authorization and handling of business expenses related to meetings/conferences/trainings, travel, lodging, and meals.

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Discussion Item #1: Does Agency policy sufficiently address the review and approval of participation in international business events and related travel?

Research

Current M-NCPPC Policy

In our review with Department Heads and the Office of the Inspector General, the policy was found to be very comprehensive in the conditions and oversight needed to approve non-local and local travel. During the 2016 comprehensive update of this policy, international travel was discussed, and it was decided that it should not be delineated as its own section, as it is typically not used by the agency, and the non-local travel criteria should eliminate most approvals due to optics and budget constraints.

The introduction at the beginning of the **existing policy** (Policy Statement Section) addresses the optics and the need for prudent judgment when making decisions to engage in business travel.

- The policy specifically states that individuals are expected to use prudent judgment and discretion to ensure economical use of public funds.

- In all cases, care must be exercised to avoid the appearance of impropriety in the incurrence of expenses and in the request for reimbursement. If a circumstance arises that is not specifically covered in this policy, then the most conservative course of action should be taken. Furthermore, the policy's non-local travel provisions require authorization to consider:

    1. The business purpose of the travel;
    2. The relevance to the employee's assigned duties to include whether the activity enhances employee effectiveness and/or develops professional skills; and
    3. Availability of funding.

Existing policy also requires all travel to be reviewed and approved as follows:

1. Employee requests for all travel (local and non-local) are approved by the Department Head, who may delegate the authority to their Deputy Director.
2. Department Head requests for all travel (local and non-local) are approved by the respective Planning Board Chair(s).

Research of State and County Policies

M-NCPPC existing policy is more comprehensive than those adopted by other jurisdictions. Some components are similar to the M-NCPPC. For the State, Montgomery County, and Prince George's County, all non-local travel requires approval by the Department Heads.

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1. Neither of the two Counties specifically delineate non-local and international travel; but, similar to the M-NCPPC, authorization is the same as non-local travel.
2. The State specifically references international travel but follows the same authorization protocols as for their non-local travel.

Amendments Adopted by Executive Committee

While our policy appears to be considerably more detailed in describing prohibited and permissible business travel, we believe that a few clarifications may assist employees in understanding the agency's current restrictions. These are described on the next page. (see next page)

Discussion Item #1: Does Agency policy sufficiently address the review and approval of participation in international business events and related travel? (continued from prior page)

Amendments Adopted by Executive Committee

The Executive Committee adopted the following amendments to clarify restrictions on international travel.

1. For purpose of this Practice, international travel is any travel outside of the contiguous United States.

2. Provisions which explain International travel is generally prohibited. Specific language was added to state:

   "Whenever possible, individuals are encouraged to seek local conferences/ meetings/ training opportunities to minimize costs. International travel is generally not permitted. Only in exceptional cases, it may be considered when:

   - Similar local opportunities are unavailable,
   - The business event is closely aligned with the mission and business needs of the Agency, and
   - Attendance at the event is sufficiently advantageous to the agency.

3. All exceptions for international travel require authorization by the Department Head, Executive Director, and respective Planning Board Chair(s)."

I. Authorization of Business Travel and Related Expenses

Participation in business events/conferences/training shall be determined based on the relevance to the employee's assigned duties and to the mission of the agency. Authorization of business expense is subject to the availability of funds, limitations established by policy, and any published temporary restrictions. Approval of participation in business events and related travel must reflect prudent judgment and be sufficiently advantageous to the agency. Consistent with the Policy Statement found at the beginning of the Practice, care should be taken to avoid the perceptions of impropriety in the use of public funds.

The Department Head should indicate whether funding is authorized for all eligible business expenses, specific categories of eligible business expenses, or as a flat stipend that can be applied to eligible business expenses.

Whenever possible, individuals are encouraged to seek local conferences/ meetings/ training opportunities to minimize costs.

Participation in international business/travel is generally prohibited. Only in exceptional cases and subject to more stringent review, participation may be considered when all of the following conditions are met:

- Similar local opportunities are unavailable,
- The business event is closely aligned with the mission and business needs of the Agency, and

- Attendance at the event is sufficiently advantageous to the agency

- The exception is authorized by the Department Head, Executive Director, and the respective Planning Board Chair(s).

A. Written Pre-Authorization for Certain External Business Events/Expenses

Pre-authorization to participate in external meetings/business travel, which involves reimbursement beyond mileage and/or local meals, shall be submitted by employees and Deputy Directors using a completed M-NCPPC Travel, Meeting and Conferences Request Form (Appendix A). Documentation of the upcoming business meeting, copy of conference agenda, and/or available registration documents must be attached to the Request Form.

The Request Form must be completed with estimates of all expected costs and contain a written justification explaining the business purpose of the travel. Whenever possible, the Request Form should be submitted at least 30-days prior to the start of travel, to allow for sufficient time to review and process the request. Please note that upon completion of the business travel, final expenses must be submitted for review in accordance with Section VI.C.3, Approval of Expense Reports.

The following sections describe the appropriate authority for reviewing requests for external business/ travel participation/projected expenses.

- Employees: Shall submit pre-authorization requests to their respective Department Head. The Department Head may delegate this authority to the Deputy Director.

  Participation in international events and travel is generally prohibited. Only in exceptional cases where all conditions outlined in Section I, Authorization of Business Travel and Related Expenses, are met, requests for consideration must be reviewed and authorized by the Department Head, Executive Director, and respective Planning Board Chair(s).

- Department Heads (including Bi-County Appointed Officers): Pre-authorization of Department Head requests shall rest with the Planning Board Chair who oversees the respective Department. The Planning Board Chair(s) shall communicate the pre-authorization protocol to his/her respective Department Heads.

- Commissioners (Planning Board Members): Pre-authorization of requests from Commissioners shall rest with the respective Planning Board Chair. The Planning Board Chair shall communicate to his/her Planning Board the pre-authorization protocols that the Commissioners are to follow.

B. Consideration of Waivers for Special Circumstances

In extenuating and exceptional circumstances, limitations established by this Practice may be waived by the authority indicated in subsections B.1. and B.2., below. Individuals shall submit justification for the waiver, including any supporting documentation. The approving authority shall determine whether the justification supports a reasonable and prudent waiver of the policy limitation.

1. **The Executive Director** is authorized to consider and waive the limitations in this Practice for employees, Department Heads (including Appointed Officers), and Commissioners (including the Chair and Vice Chair of the M-NCPPC).

   Employee waiver requests must be reviewed by the respective Department Head before the request is forwarded to the Executive Director. The Department Head's written recommendation will be considered by the Executive Director in making a determination. If the waiver is being requested as part of the pre-authorization for travel, the Department Head shall indicate his/her recommendation on the Pre-Authorization for Travel Form. This signed Form shall accompany the employee's written request for waiver by the Executive Director.

2. **The Secretary-Treasurer** is authorized to consider and waive the limitations in this Practice for the Executive Director.

Discussion Item #2: Does the policy sufficiently address the authorization to participate as a speaker or panel member with external business organizations?

Research

- Current Policy
  The existing policy provides sound guidance for determining whether employees can attend business events. The existing policy allows employees to attend external trainings, conferences, workshops, and other external business meetings, when the participation is approved by the Department Head, there is adequate funding, and the participation enhances employee effectiveness, develops professional skills, and enables the employee to carry out their duties. However, it does not specifically address participation as a speaker/panel member.

- State and County Research
  Staff found the Commission's policy is clearer than that of the State, Montgomery and Prince George's Counties. Also, similar to the M-NCPPC, these do not delineate between an employee's attendance at an event as a participant versus their role as a presenter.

Amendments Adopted by Executive Committee

The policy has been amended to require approval of all participation as speakers/presenters in business events. Additionally, language was added to emphasize that authorization must consider whether participation:

- Reflects prudent judgment and
- Is sufficiently advantageous to the agency.

II. Reimbursable Business Expenses

A. External Conferences/Meetings/Trainings

Employees may be authorized to attend external training, conferences, workshops and other external business meetings, when participation is intended to enhance employee effectiveness, develop professional skills, and/or carry out the employee's duties. M-NCPPC Practice 2-32, "Institutes, Workshops, Seminars, Conferences and Other External Training," provides guidance on the approval of employee participation. Participation as a speaker or panel member at external business events/organizations also requires prior Department Head authorization.

All participation must reflect prudent judgment and be sufficiently advantageous to the agency.

Costs for registration and related fees that are not covered by M-NCPPC Practice 2-31, "Tuition Assistance Program," may be considered under this Practice.

B. Modes of Travel

Making the best use of employee productivity and prudent use of public funds will be taken into consideration by authorizing officials in approving the appropriate mode of travel. Employees are asked to minimize travel costs, by seeking the most economical travel options that are also practical for attending the business event. Individuals who require specific travel options due to documented medical or other valid reasons may request consideration as provided in Section I. B, "Consideration of Waivers for Special Circumstances." Documentation of travel, including available original receipts or documentation of payment, must be attached to expense reimbursement reports as outlined in Section VI. "Business Expense Reports."

Petty cash may be used for small reimbursements of local and non-local travel expenses when approved by a Department Head or designee and when determined to be cost effective. Note: Transactions in an amount greater than the petty cash limit require a check request. Petty cash requests must be submitted for approval consistent with policy Section VI., D., "Petty Cash Requests for Reimbursement."

1. **Use of M-NCPPC Vehicles**
   a. Local Area Use: Whenever reasonable and practical, employees are encouraged to use M-NCPPC owned vehicles for local business travel, subject to meeting the driving requirements of Practice 6-10, "M-NCPPC Vehicle Use Program." If an agency vehicle cannot be used for local business travel, then the employee may request consideration of mileage reimbursement for use of the employee's personal vehicle, consistent with Section II.B.2., "Use of Employee's Personal Vehicle" (below).

   b. Non-Local Area Use: Travel in M-NCPPC vehicles, under this Practice, beyond the local area, requires the advance written authorization of a Department Head. Such authorization should be attached to the expense report or request for travel advance.

   c. Efforts should be made to carpool whenever possible.

   d. Reimbursements of Parking and Toll Fees: Employees may request reimbursement of parking and toll fees directly related to business events/travel. Requests must be accompanied by original receipt or other documentation showing applicable dates and charges, along with a description/location of the event.

2. **Use of Employee's Personal Vehicle**

   The use of personal vehicles for authorized local and non-local business travel is permissible only when it is determined to be advantageous to the agency, when M-NCPPC vehicles cannot be used, or other reasonable transit /modes of travel are not readily available. This may include travel to/from the non-local event and necessary travel during the business event. A personal vehicle also may be used in conjunction with the local travel segment which is connected with non-local travel (e.g. driving to an airport, train station, bus terminal, etc.).

   When a personal vehicle is being used in connection with authorized M-NCPPC business, the driver must comply with all licensing, registration, and vehicle insurance requirements for the State in which the employee is licensed to drive and in which his/her vehicle is registered.

Drivers must also maintain safe driving practices and observe traffic laws at all times. Accidents and traffic violations are the primary responsibility of the driver and/or vehicle owner's private insurer.

Reimbursement of mileage for all local and non-local travel using a personal vehicle shall consider deduction of applicable "normal commuting mileage." Only authorized business-related mileage and other incidental fees (parking/tolls) are eligible for reimbursement as described below in subsections 2a through 2d.

a. **"Normal Commuting Mileage,"** is the normal distance traveled between the employee's residence and his/her official M-NCPPC work site, is not eligible for business mileage reimbursement. As such, normal commuting miles must be deducted from business mileage reimbursement requests as indicated below:

(1) Business Travel During the Employee's Required Workday (including their regular commuting period): When business travel originates from an employee's residence and ends at a location other than the employee's official worksite, the employee may request reimbursement for the additional mileage that is incurred beyond the normal commute. The normal commuting mileage between the employee's residence and his/her official work site must be deducted for the relevant leg of the trip.

- When business travel originates at the employee's official worksite and includes travel to other business sites before the employee then proceeds directly to his/her residence, the normal commuting mileage (for the commute home from the official worksite) must be deducted from the total miles driven.
- When business travel originates and ends at employee's official work location, this mileage may be submitted for reimbursement. Normal commuting mileage is not deducted for this business travel.

(2) Travel to Non-Commission locations in the Opposite Direction of the Employee's Official Worksite: When a conference/training is held at a site that is in the opposite direction of the employee's workplace (e.g., employee lives in Washington D.C. and has an official M-NCPPC work location in Silver Spring, but must attend a conference in Fairfax, Virginia):

- When the business event is being held during the employee's normal work schedule, and the trip originates from the employee's residence, the normal "commuting mileage" must be deducted from the total miles traveled.
- When business event occurs outside the employee's normal work schedule, see handling of mileage as explained in item a.3, "Travel, to Business Events, which Originates from the Employee's Residence (Outside the Employee's Standard Workday)."

(3) Travel, to Business Events, which Originates from the Employee's Residence (Outside the Employee's Standard Workday): Normal commuting mileage is not deducted from business mileage if an employee is required to travel from home to meetings/business events when the travel occurs outside the employee's regularly scheduled work hours (e.g., evening meetings, weekend events, etc.).

(4) Overnight Business Events: When an employee is required to attend an overnight event:

- Deduction of normal "commuting mileage" is required when traveling to an overnight event which originates from the employee's residence.
  - The "commuting mileage" deduction applies to the outbound and return segments of the trip.
  - The commuting mileage is not deducted for subsequent days spent at the overnight destination. (e.g., employee departs residence to a business event in Ocean City, Maryland for 4 days. The "commuting mileage" deduction only applies to the portion of travel between Ocean City and the employee's residence; the deduction is not applied to any business travel in Ocean City.)
- If the overnight travel originates from and ends at the employee's worksite, then "commuting mileage" is not deducted.
- If the travel to or from the overnight event occurs outside the employee's normal workday, the commuting mileage is not deducted consistent with section a.3, "Travel, to Business Events, which Originates from the Employee's Residence (Outside the Employee's Standard Workday)." (e.g., if the employee begins their return trip from a 4-day trip to Ocean City, Maryland outside their normally-scheduled workday then commuting mileage is not deducted.)

b. Mileage reimbursement Rate: Will be at the rate per mile established by the Executive Director and published annually by an M-NCPPC Notice.

c. Requests for Mileage, Parking and Toll Reimbursement: Mileage reimbursement requests shall include the purpose, date(s) of travel, destination, and distance traveled.

(1) Reimbursement will be issued only to the employee operating his/her personal vehicle; passengers are not eligible for reimbursement.

- Proof of mileage in the form of odometer readings, documented mileage calculations, or other printed mapped distances must be submitted consistent with subsection (2) below.
- Employees may request reimbursement of parking and toll fees directly related to authorized business events/travel. Requests must be accompanied by original receipt or other documentation showing applicable dates and charges along with a description of the event/location.

(2) Applicable Reimbursement Requests Forms

The Car Mileage - Expense Reimbursement Requests Form *(*Appendix D) shall be used for reimbursement of mileage when additional types of reimbursements such as lodging or meals are not being submitted.

When mileage is submitted along with other business expenses (e.g., conference/ seminar fees, accommodations, etc.), the mileage reimbursement request must be submitted using the Expense Report (see Section VI., "Business Expense Reports").

Petty cash may be used for small reimbursements of authorized business mileage if approved by Department Head or designee when determined to be cost

effective. Petty cash requests must be submitted for approval consistent with policy Section VI. D., "Petty Cash Requests for Reimbursement."

Department Heads must review requests to ensure duplicate mileage reimbursements are not authorized.

3. **Rental Cars**

Reimbursement for vehicle rental may be allowed during non-local travel when deemed necessary by M-NCPPC. All vehicle rentals must be approved in advance by a Department Head. The traveler shall choose the least expensive available model appropriate for the authorized use (e.g., single occupant or multiple employee occupants). If an employee elects a more expensive model than supported by the Department Head, the employee is responsible for the difference in cost.

Employees are responsible for obtaining receipts for the rental car and any self-fueling charges. Surcharges for pre-paid gas and other conveniences/options are the responsibility of the employee.

4. **Commercial Carrier Transportation (Air, Rail, Bus) for Non-Local Travel**

Individuals shall seek to use the lowest costs available for the appropriate and practical mode of commercial carrier transportation for non-local travel (e.g., air, rail, bus). Inquiries shall be made for applicable travel discounts and reservations should be made as far in advance as possible to minimize cost to the agency. Whenever reasonable, reservations should be made at least 30 calendar days in advance of travel.

Travel shall be reserved at coach fare or economy class. A different class of travel is permitted only by waiver for exceptional circumstances, and with prior authorization of the appropriate authority (see Section I.B, "Consideration of Waivers for Special Circumstances").

Optional Expenses

Unless approved in advance by waiver for exceptional situations, optional travel-related expenses of a personal nature are the responsibility of the employee. Optional expenses include, but are not limited to, express boarding, priority seating, seat upgrades, commercial travel insurance, optional ticket changes, and extra luggage or overweight baggage fees except when baggage fees are related to transport of required business items (see also Section III, "Non-Reimbursable Expenses").

5. **Public and Privately Operated Ground Transit**

This includes third-party transit that is used to transport the employee to/from commercial carrier terminals or conference/training/lodging sites. Examples include, but are not limited to commuter transit, taxis, shuttles, and rideshares (e.g., Uber, Lyft, Zipcar, etc.).

When necessary and appropriate to the authorized travel, reimbursement will be made for the cost of the least expensive and practical form of transit. Free/discounted shuttles should be used when available and practical. Whenever available, receipts should be requested from the transit operator.

C. Lodging

1. **Local Area Lodging**

Lodging within the local area region (as defined by this Practice) is not eligible as an authorized business expense.

Exceptions may be permitted by the respective Department Head for unusual circumstances. Justification for the exception must be provided on the M-NCPPC Travel, Meeting and Conferences Request Form, which is reviewed and signed by the Department Head. This authority cannot be delegated below the Department Head. When local area lodging is approved, the parameters of Subsection C.2 shall apply.

A copy of the signed M-NCPPC Travel, Meeting and Conferences Request Form shall be included with the final Expense Report that is submitted to the Department of Finance for processing of authorized business expenses.

2. **Non-local Area Lodging**
   Individuals traveling outside the local area on authorized M-NCPPC business may request coverage of overnight accommodations as outlined below.
   - Lodging reimbursement at a conference/business event will be limited to the event sites and other nearby or participating hotels/motels. The least expensive and practical option which is convenient to the event site should be chosen. In determining the least expensive option, consideration shall be given to the total costs for lodging and other business expenses. Employees should inquire about discount rates available for local government employees, for membership in the applicable professional association, or other available conference/training discounts. Employees are responsible for providing appropriate evidence to the lodging establishment to support the discounted rate.
   - Reimbursement for lodging is limited to actual cost, not to exceed the cost of single room accommodations.
   - The standard reimbursement period for non-local area lodging is limited to actual authorized conference/business event dates, plus one day when travel cannot reasonably be accomplished during the scheduled dates of the business event.

   In exceptional situations, the Department Head may authorize additional lodging beyond the standard reimbursement period. Examples of situations that may be considered include: difficulty travelling during the standard reimbursement period; required attendance at the business event would result in travel at unreasonable hours; or total travel costs would be reduced from a travel extension.

D. Meals

The cost of meals may be reimbursed when these meals are taken in conjunction with authorized business events/meetings/conferences/training. Meal expenses for employees may be reimbursed by petty cash transactions if approved by Department Head or designee when determined to be cost effective.

1. **Reimbursement Method for Meals:** Authorized meals are reimbursed using one of the following methods:
   - **Per Diem Method:** Reimbursement is based on a flat, established allowance with no requirement for receipts. Per Diems may be applied to employee meals taken during "non-local" area travel, as defined by this Practice. M-NCPPC Per Diem rates will be reviewed and issued annually by the Executive Director through M-NCPPC Notice.
     - Rates shall be based on the meal expense schedules established by the United States General Services Administration (GSA) for the Montgomery County, Prince George's County and Greater Washington, D.C. area.
     - Per Diem rates shall be distinguished for breakfast, lunch and dinner.

- **Actual Expense Method:** Reimbursement is based on actual incurred expenses as supported by itemized receipts. This method may be used for reimbursement of employee meals taken within the "local area" or "non-local area."

Regardless of method used, all reimbursements of employee meals, inclusive of tax and tips, are limited to the maximum rates set by the per diem method.

The employee must use the same method of meal reimbursement for all days during the authorized business event.

2. **Authorization and Reimbursement of Employee Meals**

The following subsections address the authorization of employee meals. Reimbursement of meal expenses for third parties (e.g., outside groups, applicants, business associates such as advisory committees, etc.) are addressed in Section II.F, "Other Business-Related Expenses Involving Third Parties and Official M-NCPPC Hosted Events."

a. Local Area Meals

Certain meals taken in connection with external professional events and M-NCPPC business meetings may be considered for reimbursement, subject to prior authorization by the Department Head. Consideration may be given for meals that fall within or outside the employee's normal scheduled workday, consistent with the provisions on local area meals.

When local area meals have been authorized, the reimbursement request shall include itemized original receipts, explanation of the purpose of the meeting, and the names of employees in attendance. Reimbursements will be made using the "actual expense method" subject to the maximum per diem.

External Professional Events:

Meals taken in connection with external professional events (e.g., seminars, conventions, training, workshops/work sessions) may be considered for authorization as follows:

- The employee is required to travel to an authorized professional event without the ability to take a meal break, and the meal is not provided at the business event;
- The meal is specifically required by, or called for by, the occasion/nature of the professional event; and/or
- Meals are provided as part of the professional event, but the cost has not been included in registration fees.
- In extenuating circumstances in which overnight lodging is authorized and meals are taken in connection with this period of lodging. Local area lodging must be approved by Department Head.

Internal/Onsite Business Meetings:

The occurrence of business discussions among staff members does not, in and of itself, qualify the meal as a reimbursable expense. Reimbursement for employee meals in conjunction with M-NCPPC business meetings also are not reimbursable unless the meal is specifically pre-approved by the Department Head and meets the following conditions:

- The employee is required to travel to and/or attend an after-hours official meeting/event without the ability to take a meal break, and a meal is not otherwise provided at the meeting; or
- Purchase of a meal is specifically called for by the occasion or nature of the official meeting or M-NCPPC business.

b. Non-Local Area Meals

Non-local area meals are eligible for reimbursement either (1) on a per diem basis, or (2) on an actual expense basis.

Meal reimbursements are limited to the period a non-local business event is attended by the employee. If extended travel is required to and from the business event, the employee may request reimbursement of normal meals (breakfast, lunch, dinner) which fall within the travel period.

3. **Itemized Meals on Expense Reports**
   Individual meals must be itemized on the Expense Report as provided in Appendix C.

   When an employee has paid for meals of other employees, the employee may request reimbursement of these meal by documenting the names of each employee who was authorized to receive the meal.

4. **Reimbursement of Alternate/Duplicate Meals**
   The reimbursement of duplicate meals is disallowed. Therefore, reimbursement will not be made for meals purchased by the employee in lieu of meals [breakfast (including continental breakfast), lunch or dinner] already provided as part of conference/business event, hotel and/or flight. Exceptions may be granted by waiver for documented medical or religious restrictions. See Section I.B, "Consideration of Waivers for Special Circumstances."

5. The reimbursement of alcohol is not permitted.

E. Incidental Business Expenses Related to Employee Travel

In addition to expenses already addressed in other sections of this Practice (e.g., travel, meals, lodging), individuals may be reimbursed for reasonable incidental expenses related to authorized M-NCPPC business, when approved by the respective Department Head.

1. Official M-NCPPC business telephone calls (list separately).
2. Wi-Fi/Network access fees when business related.
3. Fees and tips given to porters, baggage carriers, hotel staff (not to exceed a combined reimbursement total of $5 per day).
4. Baggage/shipping fees for the transport of critical business materials.
5. Baggage fees for air travel (fees for one piece of personal luggage when an airline does not include this in the price of the ticket).
6. Other out-of-pocket business expenses.

Business charges must be itemized on the Expense Report (see Appendix C). With the exception of incidental expenses listed in Item 3 (above), all expenses under this Section must be supported by available original receipts.

F. Other Business-Related Expenses Involving Third Parties and Official M-NCPPC-Hosted Events

Other business-related expenses include costs incurred while dealing with outside groups or individuals. These include meals (for job applicants, outside individuals/groups in connection with official M-NCPPC business, Planning Board meetings), accommodation of M-NCPPC business

associates such as advisory committees, or suites/ meeting rooms in connection with official M-NCPPC events.

Such expenses must be approved by the appropriate authority as provided in Section I of this Practice.

- Reimbursement of employee meals shall follow Section II.D. "Meals" including meal reimbursements maximums. Exceptions are permitted only by waiver consistent with Section I.B. "Consideration of Waivers for Special Circumstances".
- Reimbursement of meals for outside individuals and other business expenses related to official M-NCPCPC business will be reimbursed on actual cost basis, subject to authorization. While meals for outside individuals are not subject to the per diem maximums, prudence and public accountability must be considered.
- The expense report must be fully detailed and show the date, location, purpose of the expense, and must identify those persons in attendance and their organization or affiliation. These expenses must be supported by receipted bills.

III. Non-reimbursable Expenses

Non-reimbursable expenses include those which are incurred for personal convenience and are not essential to the performance of M-NCPPC business. Among them are the following:

- Special travel accommodations, stop-overs or diversion of schedule for personal reasons to the extent that additional travel expense is incurred;
- Cost of car rentals for personal sightseeing or other personal business;
- Annual credit card membership fees;
- Meals purchased in lieu of those already included in registration fees, conference fees, flight accommodations, or the cost of meals exceeding the limitations stated in II.D and Appendix A;
- Personal long-distance telephone calls;
- Fees for purchasing travelers checks, using Automatic Teller Machines, and other banking/financial transaction fees;
- Any amount in excess of conference hotel/motel rates for accommodations at non-participating hotel/motels;
- Any expense of family members or other personal guests;
- Cancellation/change penalties for transportation, lodging or registration fees due to a traveler's personal request or obligations. Exceptions may be made under Section I.B, Consideration of Waiver for Special Circumstances, when a change in travel arrangements is required due to the employee's serious illness/injury or death of an immediate family member;
- Traffic and parking violations;
- Movie/entertainment rentals;
- Alcoholic beverages; and
- Optional expenses related to travel such as express boarding, priority seating, seat upgrades, commercial travel insurance, optional ticket changes, and extra luggage or overweight baggage fees that are unrelated to the transport official business materials.

IV. Commissioners' Special Account

A special account is established for each Commissioner in accordance with the statutory provision for reimbursement for actual vouchered expenses incurred, not to exceed the amount allocated by statute, incidental to Commission or Planning Board activities. Any personal expense reasonably related to such activities, including local travel, shall be charged to this account. Charges for non-local travel of Commissioners will not be charged to the Commissioners' Special Account. In addition, Commissioners may charge to the budget of the appropriate Planning Board, expenses for guests at breakfast, lunch or dinner

meetings for purposes related to their Commission responsibilities, and expenses for non-local travel in connection with such responsibilities.

V. Establishment of the Mileage and Meal Reimbursement Rate Review

On an annual basis, the Executive Director will review the mileage and meal reimbursement rates and make any necessary adjustments. The mileage rate shall consider the Internal Revenue Service (IRS) standards. The meal per diem shall consider the General Services Administration (GSA) schedule for Montgomery and Prince George's Counties, and the Washington, D.C. region and any guidance from the IRS.

Rates should consider the policies of Montgomery County and Prince George's County Governments. Any adjustment in the M-NCPPC mileage and meal reimbursement rates will be published annually by M-NCPPC Notice.

VI. Business Expense Reports

A. M-NCPPC Travel, Meetings and Conferences Request Form

This Form (Appendix A) must be completed by the employee and approved by the Department Head (or their designee) prior to the business event, when reimbursement of expenses other than mileage and local meals is being requested. A copy of the business meeting invitation/conference agenda/registration form must be attached to the Request Form. The Form should be completed and submitted 30 days prior to first day of travel.

B. Travel Advances

In addition to cash, travel advances include funds advanced for registration fees, or to travel agencies, hotels, conference headquarters, etc. Advances for non-local travel may be obtained by submitting an approved check request form. (See Practice 3-12 "Use of Request for Check Form.") Allowance should be made for processing time. Requests for advances should be received in Department of Finance, Accounts Payable Section, at least two weeks prior to the trip. Advance requests received less than two weeks prior to the trip may not be processed.

Requests for travel advances must be accompanied by a completed consent form, (Appendix E), signed by the individual taking the trip, for payroll deduction in the event of non-settlement of travel advances. No travel advance will be issued to a Commissioner/employee requesting a travel advance (1) without a signed consent form and/or (2) until the Commissioner's/employee's prior travel advances are cleared.

C. Expense Reports

1. General

The Expense Report Form (Appendix C) is the document for Commissioners and employees to claim reimbursement and to account for advances made for business expenses incurred for travel, meetings, and conferences. Costs incurred for guests must show the names, date, place organization affiliation, and purpose.

2. Reporting Business Expenses and Travel Advances

Reimbursement of business expenses and/or settlement of travel advances are to be submitted to the Department of Finance using the Expense Report Form within 20 calendar days after return from travel. The Expense Report Form is found in Appendix C.

If money is owed back to the agency, a check made out to M-NCPPC should be included with the Expense Report. If additional funds less than $200 are due to the employee, the reimbursement may be made from petty cash once the Expense Report has been reviewed and approved by the Department of Finance, Accounts Payable Section. If funds of more than $200 are due to the employee, a check request must be prepared in addition to the Expense Report.

Pre-payment by M-NCPPC for conference costs, event registrations, or other business expenses must be reflected as travel advances. (See also Section VI.B, Travel Advances).

If a travel advance was issued, and has not been properly accounted for, appropriate written notification will be sent by the Finance Department to the recipient of an advance 30 days after the travel. The notification will advise that, without further notice, unaccounted for travel advances will be routinely deducted from the Commissioner's/employee's salary, commencing 45 days after the traveler's return. Incapacitated Commissioners/employees will be granted necessary extensions of these periods of time. An advance to an individual will not be approved when accounting for a prior travel advance is overdue.

Expenses must be fully detailed on the Expense Report Form. Travel, lodging, and other expenses must be supported by original itemized bills and receipts. Original receipts and bills for air, rail, other modes of travel, and car rental must be attached to the Expense Report. When the actual expense method of accounting is used, meals must also be supported by receipts. (See Section II.D.) An accounting of travel advances must be included in the report. **IF A REFUND IS DUE THE M-NCPPC, IT MUST ACCOMPANY THE SIGNED REPORT.** A copy of the conference agenda or registration that shows included meals must be attached to the request for travel advance or to the expense report. The employee may not request reimbursement for meals that were provided during any attended portion of the conference unless excepted as described in Section II.D.5.

3. Approval of Expense Reports

The Expense Report (Appendix C) submitted by employees requires the approval of their respective Department Head or designee. Upon approval of the Department Head, the Report must be forwarded to the Department of Finance, Accounts Payable Section which will ensure compliance with business reimbursement standards.

Expense reports of Commissioners, the Executive Director, General Counsel, and Department Heads require the approval of the Secretary-Treasurer. Expense reports of the Secretary-Treasurer require the approval of the Executive Director.

4. Audit of Expense Reports

The Department of Finance pre-audits expense reports for compliance with the foregoing policies and will return nonconforming reports to the appropriate approving authority with notation of incomplete area(s) or other problems. Corrected reports of employees must be reauthorized by the Department Head or their designee before they are resubmitted to the Department of Finance.

D. Petty Cash Requests for Reimbursement

Travel, mileage and meal expenses of employees incurred under this Practice may be reimbursed by petty cash transactions if approved by the Department Head or designee when determined to be cost effective. A fully documented "petty cash" form with original receipts attached as appropriate, must be submitted for approval. The petty cash form is issued by the Finance Department, and available through

the departmental petty cash administrator. Reimbursement by petty cash shall be limited to the amount authorized pursuant to Practice 3-11, Administration of Cash Funds.

RESPONSIBILITIES Responsibilities for implementing this policy are outlined below.

Executive Director is responsible for:

- Waiving policy limitations for employees, Department Heads, appointed officers, and Commissioners.
- Approving expense reports submitted by the Secretary-Treasurer.
- Establishing annually the mileage reimbursement rate and meal per diem rates.
- Providing approval or disapproval for any request to participate in international business events and related travel submitted by Department Heads.
- Forwarding his/her approval on requests to participate in international business events and related travel to the respective Planning Board Chair(s).

Secretary Treasurer is responsible for:

- Waiving policy limitations for the Executive Director.
- Approving expense reports from the Commissioners, the Executive Director, General Counsel and Department Heads.

Planning Board Chairs are responsible for:

- Authorizing expense reports for Commissioners prior to forwarding completed reports to the Secretary Treasurer to ensure compliance with reimbursements standards.
- Providing approval or disapproval for requests to participate in international business events and related travel submitted by Department Heads and the Executive Director on behalf of departmental staff.

The Finance Department is responsible for:

- Ensuring that updated/current Federal guidelines pertaining to business expense reimbursement rates are shared with employees.
- Providing forms for employees and Commissioners to use for submitting expenses.
- Answering questions pertaining to business expense reimbursements.
- Providing reimbursements in a timely fashion.

The Department Head or his/her designee is responsible for**:**

- Budgeting for external meetings, trainings and/or conferences that may require funds for fees, travel, accommodations, etc.
- Exercising prudent judgment and discretion in approving employee participation in meetings, trainings and/or conferences, based on the value of the proposed activity weighed against the immediate needs of the work program.
- Reviewing and providing input on any employee requests for waiver of this Practice. The Department Head's recommendation will be considered in the Executive Director's decision to issue a waiver.
- Consulting with the Executive Director on approved international travel

requests.

Supervisors are responsible for**:**

- Ensuring that each employee under his/her supervision has access to, and understands, the provisions outlined in this Practice.
- Enforcing the provisions of this Practice when there are violations. Employment actions involving discipline must be authorized by the Department Head.
- Making external meeting, training and conference information available to employees, when applicable.
- Encouraging employees to participate in relevant external meetings, trainings and conferences (subject to availability of funds).

Employees are responsible for**:**

- Completing any department required forms (e.g., applications for meetings and conferences, follow-up reports, expense reimbursement forms, etc.).
- Submitting forms to the Department Head or other appropriate party, as required.
- Successfully participating in the meetings, conferences and other purposes of travel which have been made available to them.

VIOLATIONS

Intentional misapplication of this Administrative Practice is subject to disciplinary action up to and including termination of employment. Disciplinary actions shall be handled in accordance with the Merit System Rules and Regulations; applicable Collective Bargaining Agreements; and M-NCPPC Administrative Practice 2-16. Department Heads shall consult with the Human Resources Director before implementing any disciplinary action to ensure appropriate action is taken.

Violations of policy also may result in criminal prosecution and recovery of losses. Any expenses may be recovered by the agency through direct repayment of such expenses by the employee, or collection of such expenses through payroll deduction. The M-NCPPC reserves the right to determine the method of recovery of such expenses and to pursue legal action for collection of any monies owed by an employee. Disciplinary and recovery actions shall be coordinated through the Department of Human Resources and Management and the Office of the General Counsel.

Appendices:

A. M-NCPPC Travel, Meetings and Conferences Request Form
B. Meal Allowances
C. Final Expense Report
D. Car Mileage - Expense Reimbursement Request
E. Travel Advance - Consent for Deduction from Salary

(***Note to Draft Reviewer***: Appendices have been omitted from this Printing.)

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

REGULAR BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, December 4, 2018; 10:00 A.M.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, December 4, 2018 and was called to order at 10:00 a.m. by VICE CHAIRMAN CICHY.

Board Members Present:

1. Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
2. Anju A. Bennett, M-NCPPC Acting Executive Director, Ex-Officio
3. Howard Brown, FOP Represented Trustee
4. Melissa D. Ford, Prince George's County Open Trustee
5. Rick Liu, Montgomery County Open Trustee
6. Amy Millar, MCGEO Represented Trustee — In 10:13 a.m.
7. Sheila Morgan-Johnson, Prince George's County Public Member
8. Barbara Walsh, Bi-County Open Trustee
9. Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Not Present:

1. Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
2. Pamela F. Gogol, Montgomery County Public Member

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

Presentations by: Cheiron - Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Matt Deveney, ASA, EA, Consulting Actuary; and, Wilshire Associates - Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst.

Others present: M-NCPPC Montgomery County – Tina E. Patterson, Montgomery County Planning Board; M-NCPPC Finance Department - John Kroll, Budget Manager; M-NCPPC Legal Department – William Dickerson, Principal Counsel; and, Boomershine Consulting Group - Gregory M. Stump, 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 December 4, 2018 Board of Trustees Meeting Agenda
B. Minutes of Regular Meeting, November 6, 2018
C. Minutes of Closed Session Meeting, November 6, 2018 (**Confidential-Trustees Only**)
D. Disbursements Granted Reports – October 2018

ACTION: MS. BENNETT made a motion, seconded by MS. WALSH to approve the Consent Agenda, as submitted. The motion PASSED unanimously (8-0). (Motion #18-59)

2. CHAIRMAN'S ITEMS

A. Board of Trustees Conference Summary
B. NCPERS Public Safety Conference Report by Howard Brown

C. Letter dated November 16, 2018 from Robert E. Clarke III re: Employee Cost to Purchase Military Credited Service

MR. BROWN presented his conference report for the NCPERS Public Safety Conference.

Andrea Rose explained Item 2.C. was an informational item only. The Board's powers do not include modification of the benefit provisions but only to administer the current program established by the plan sponsor, the Commission.

3. MISCELLANEOUS

No miscellaneous reported.

4. MANAGER REPORTS/PRESENTATIONS

A. Cheiron
Presentations by Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Matt Deveney, ASA, EA, Consulting Actuary
   i. Audit Report of July 1, 2017 Actuarial Valuation
   ii. Presentation of the Audit Report of the July 1, 2017 Actuarial Valuation
   iii. Boomershine Consulting Group's Response to Cheiron's Actuarial Audit Summary of Recommendations dated November 2, 2018

MS. MILLAR arrived at 10:13 a.m.

Cherion was retained to conduct a full-scope actuarial audit of the July 1, 2017 Actuarial Valuation and to review the most recent Experience Study covering July 1, 2011 to June 30, 2015 performed by Boomershine Consulting Group (BCG).

Janet Cranna reported that overall, Cheiron found the assumptions and methods used in the July 1, 2017 Actuarial Valuation generally sound and reasonable and that they conform to the appropriate Actuarial Standards of Practices (ASOPs). Cheiron made recommendations that certain assumptions be clarified and/or disclosed in future actuarial valuation reports and/or experience studies as detailed in Audit Report of the July 1, 2017 Actuarial Valuation.

Based on a full replication of the actuarial valuation, Cheiron found the calculations of the present value of future benefits, actuarial liability, and normal cost below the industry standard of 5% for some plans. As a result of these differences, Cheiron's calculations of the employer contributions was 70% of that of BCGs. Specific details are contained in the Audit Report of the July 1, 2017 Actuarial Valuation.

Ms. Rose asked if the calculation errors were corrected, would Cheiron's results be in the 5% reasonableness range. Ms. Cranna indicated that it is hard to tell and recommended having BCG re-run the July 1, 2017 Actuarial Valuation for the corrections.

Andrea Rose recommended the Board refer the results of the Actuarial Audit to the Administrative & Personnel Oversight Committee ("Personnel Committee") for review and recommendation. The Board agreed and asked the Personnel Committee to follow up with a recommendation.

B. Wilshire Associates
Presentations by Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst
   i. Executive Summary of Investment Performance; as of September 30, 2018
   ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2018
   iii. Summary of Investment Performance; September 30, 2018

Bradley Baker reported on the fund's performance for the quarter ending September 30, 2018. The ERS' total fund return was 2.41% (net of fees) for the quarter, underperforming the actual policy index return of 2.45%. The ERS fund return was 7.06% for the one-year ended, 10.45% for the three-years ended, and 6.86% for the five-years ended September 30, 2018 versus the actual policy index which returned 6.12%, 9.11% and 5.90%, respectively. The total market value through September 30, 2018 was $957.9 million.

Mr. Baker agreed to add the peer median and total value paid-in to the Executive Summary - Private Assets Investment Review page and to revise the fixed income detail on the Monthly Summary page.

5. REPORT OF THE ADMINISTRATOR

Presentation by the Administrator, Andrea L. Rose

A. Administrator's Report dated November 26, 2018
   i. Recommendation to Amend Motion #18-48 and Adopt a Revised Employer Contribution of $19,244,687 (12.3% of covered payroll) payable July 1, 2019 for fiscal year 2020
   ii. Recommendation to Approve the 2019 Board of Trustees Work Program and Meeting Dates

Andrea Rose presented the Administrator's Report dated November 26, 2018.

Ms. Rose informed the Board that following the November 6, 2018 Board meeting, an adjustment was discovered while preparing the final July 1, 2018 Actuarial Valuation Report which resulted in a revised employer contribution of $19,244,687 (12.3% of covered payroll). This amount was approved by the Commission at its November 21, 2018 meeting. Ms. Rose asked for a motion to amend Motion #18-48 and adopt the revised employer contribution.

ACTION: MS. BENNETT made a motion, seconded by MS. WALSH to Amend Motion #18-48 and Adopt a Revised Employer Contribution of $19,244,687 (12.3% of covered payroll) payable July 1, 2019 for fiscal year 2020.
The motion PASSED unanimously (9-0). (Motion #18-60)

Staff consulted with SB & Company regarding the actuarial error and recommended updates to the Comprehensive Financial Report (CAFR). The Schedule of Employer Contributions in the CAFR was updated to reflect the revised employer contribution. However, after reviewing the revised GASB 67 & 68 Report from BCG, SB & Company determined the changes related to GASB 67 & 68 to be immaterial. Since SB & Company had already signed off on the ERS' CAFR, only a change to the Schedule of Employer Contributions was recommended. Copies of the updated CAFR were provided along with the Popular Annual Financial Report which summarizes the CAFR. Both reports are available on the ERS' website for download.

Ms. Rose presented the 2019 Board of Trustees Work Program and Meeting Dates.

ACTION: MS. WALSH made a motion, seconded by MS. FORD to approve the 2019 Board of Trustees Work Program and Meeting Dates.
The motion PASSED unanimously (9-0). (Motion #18-61)

The Board of Trustees meeting of December 4, 2018 adjourned at 12:23 p.m.

Respectfully,

Heather D. Brown
Senior Administrative Specialist

Andrea L. Rose
Administrator

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 14, 2019

TO: The Commission

VIA: Anju Bennett, Acting Executive Director

FROM: Tracey Harvin, Acting Corporate Policy and Management Operations (CPMO) Director
Michael Beckham, Policy Manager, CPMO

SUBJECT: Review of Proposed Standby Compensation Pilot Program

Requested Action

The Commission is asked to approve Resolution 19-01 (Attachment C), establishing a 1-year pilot program to allow for Standby compensation for certain non-represented Merit positions. The term "Standby" recognizes the placement of employees in a "ready to respond" status so they can readily address after-hours needs for certain critical operations as they arise. This pilot program will mirror similar compensation provisions already available to employees represented by MCGEO and FOP, who are also assigned to carry out after-hours coverage of the agency's critical operational needs.

Following a comprehensive review of the Agency's operational needs and various options to address concerns, Department Heads and the Executive Committee support the establishment of the pilot program. With the Commission's approval of Resolution 19-01, more detailed operational guidance will be developed and issued to the Agency to implement program parameters in the Resolution.

Background

The need for Standby compensation for non-represented Merit employees was identified by the operating departments. Department Heads:

- Indicated certain positions must provide regular after-hours coverage for critical functions throughout the 7-day week. For example, IT Support is expected to provide round-the-clock support for both public facing programs, as well as for other critical agency functions such as Park Police platforms.

- Expressed difficulty in getting regular after-hours coverage without a suitable mechanism to recognize this effort.

- Indicated existing compensation policies do not appropriately address the ready to respond status which differs from active duty.

Departments conducted a comprehensive review of Standby needs through work sessions with representatives from CPMO, Corporate Human Resources, the Legal Department, IT Division Chiefs, Prince George's Department of Parks and Recreation, and Montgomery County Department of Parks.

Research of Existing Policies

- Existing M-NCPPC Policy for Non-Represented Employees:
  The non-represented employment policies do not make a distinction between Standby work (ready to respond) and active duty. As such, the only mechanism to address after hour coverage is overtime compensation which may be approved at straight time or 1 ½ the employee's pay rate. Overtime pay is designed to compensate for active duty/work. Standby is functionally different from active duty in that Standby status requires an employee to remain in an "availability" mode to respond to work issues should they arise. As such, paying an employee overtime to remain on active duty is a costly method of providing 24-hour support.

  Existing M-NCPPC Policy for Represented Employees: Both collective bargaining agreements covering our Park Police, as well as our Trades, Maintenance and Office/Clerical employees, recognize the need for placing employees in an after-hours Standby status to address critical operational needs. Standby compensation is established as a percentage of an employee's regular hourly rate. M-NCPPC Standby compensation for employees who are represented by MCGEO and FOP is handled as follows:

  - MCGEO: Receive 20% of their regular hourly rate for each hour on Standby status.
  - FOP: Receive 7.5% of their regular hourly rate for each hour on Standby status.

- Handling of Standby by County Governments: Both Counties recognize the need for Standby status policies and have established specific compensation to address this status, separate from active duty compensation. County policies establish similar compensation.

Program Parameters

Department Heads support the need for a consistent agency-wide policy addressing non-represented employees. Following a review of existing agency compensation policies, our collective bargaining agreements, and policies adopted by other County and State agencies, a model was developed for consideration by the Commission. Our agency's proposal provides additional internal controls than policies adopted by other jurisdictions and builds in the ability to minimize budget impact as described in the following program parameters.

Who Will Be Covered – Non-represented Employees

After extensive discussions and review of agency-wide positions which must consistently provide after-hours coverage, Department Heads determined that designated IT specialist and Trades supervisor positions are regularly required to provide daily after-hours support. While other positions were considered, it was determined that they provide less frequent Standby coverage.

Standby compensation would apply only to Trades supervisors and IT staff below the Division Chief level. Additionally, an employee tasked with the Standby assignment will be required by the Department Head to:

- Remain within 1 hour of his/her primary work-site;
- Ensure he/she is accessible at all times; and
- Be able to respond to a service request no later than 30 minutes from the initial request.

Proposed Compensation Structure and Position Assignments

The proposed pilot program will provide 8 hours of straight time compensation for providing after-hours coverage over 7-consecutive days. This compensation can be granted as 8 hours of compensatory leave or straight pay, as determined by the Department Head, and subject to budget availability.

- The impact of the 8-hour compensation was designed to be fairly budget neutral. The pilot program emphasizes the use of compensatory leave as the primary choice of compensation. This will allow Department Heads to require employees to flex out the earned compensatory leave for an alternate day off.
- Placement of employees in Standby status will be made on a rotating basis. Generally, the agency's Montgomery County and Prince George's County operations will have one IT staff person and one Trades supervisor on call for any given week.

Duration of Pilot Program

A 1-year pilot program is being recommended, after which the agency will reevaluate the success and continued need for the program. The Human Resources Division is presently performing position classification reviews of both position categories, and the study will consider required functions and appropriate compensation. The outcome of the classification study will help determine any continued need for Standby compensation.

Attachments:

A. Background: Summary of Operating Parameters for Proposed Standby Compensation Pilot Program
B. Informational Item Only: Drafted Operating Parameters (not for vote at this time, as these will be finalized after Commission action on Resolution 19-01)
C. For Commission Adoption: Resolution 19-01, Approval of Standby Compensation Pilot Program for Designated IT Specialist and Trades Supervisor Positions Below the Division Chief Level

Summary of Operating Parameters for Proposed Standby Compensation Pilot Program

The following chart outlines the proposed model for Standby compensation. This compensation will be for non-represented Trades Supervisors and Information Technology Merit System staff holding positions below the Division Chief level who are assigned to a "ready to respond" status to address critical agency concerns which arise outside of normal business hours.

Length of Assignment	The length of a Standby assignment: 1. Is 7-consecutive days in duration, from Sunday to Saturday. 2. Covers all hours which fall outside of the employee's normal work schedule.
Schedule Rotation	To the extent practicable, employees shall be placed on Standby assignments on a rotating basis, to be administered by the respective Division Chief and approved by the Department Head.
Assignment Conditions	An employee placed in Standby assignment shall: 1. Stay within 1 hour from his/her designated primary work-site; 2. Ensure he/she is accessible to be reached at all times; and, 3. Be able to respond to a service request no later than 30 minutes from the initial request.
Compensation	An employee shall receive 8 hours of compensation for each 7-consecutive day Standby assignment, as determined by their respective Department Head, in the form of: 1. Compensatory leave earned; or 2. Pay at straight time. The Department Head may require the use of the earned compensatory leave in subsequent pay periods, as appropriate, for managing earned compensatory leave balances.

(For Information only)

NOT FOR COMMISSION ACTION

Draft Operating Parameters

To be finalized after Commission adoption of Resolution seen in Attachment C

I. Department Head Determination of Need for Program

Each Department Head shall determine, based on critical agency concerns, whether there is a need to place eligible staff in a "ready to respond" status (Standby assignment) outside of normal business hours. A Department Head may terminate use of the program when it is determined that it is no longer needed.

II. Standby Assignment Conditions

When an employee is placed in a Standby assignment, they must be readily available to respond to issues that arise outside of his/her regularly-scheduled work hours. An employee placed in a Standby assignment shall:

A. Not travel beyond 1 hour from his/her designated primary work-site, unless an exception is approved in advance, in writing, by the respective Division Chief.

B. Ensure he/she is accessible to be reached at all times via an agreed upon mode of communication (e.g., cell phone or email).

C. Not be impaired.

An employee on a Standby assignment should be able to respond immediately; however, if unable to, then no later than 30 minutes from when the service request is made. If needed, the employee must be able to respond to the location where the issue has occurred within one (1) hour.

III. Length of Standby Assignment

A Standby assignment is 7 days in duration, from Sunday to Saturday. An individual placed on a Standby assignment is responsible for remaining in a "ready to respond" status during all hours which fall outside of their normal work schedule.

IV. Schedule Rotation

To the extent practicable, employees shall be placed on Standby assignments on a rotating basis. The rotation is to be administered by the Division Chief who supervises the assigned employee(s), with the Department Head's or his/her designee's approval. The Division Chief shall also make

available the schedule of employees assigned to Standby assignments along with the designated employees contact information.

V. Compensation

A. Employees shall receive 8 hours of compensation for each 7-consecutive day Standby assignment, in a manner determined by their respective Department Head. Standby compensation shall not be counted as hours worked toward overtime calculations.

B. The Department Head may select one of the following options, based upon availability of funding:

1. 8 hours of compensatory leave earned; or

2. 8 hours of pay at straight time.

The grant of compensatory leave allows a Department Head to require the use of the earned compensatory leave in subsequent pay periods, as appropriate, for managing earned compensatory leave balances.

C. Holiday Assignments: No additional Standby compensation shall be granted for assignments which fall during weeks containing authorized or official M-NCPPC holidays.

VI. Response During Standby Assignment

In addition to the compensation given for being available to respond to after-hours calls, as outlined in Section V (Compensation), above, an employee who responds to a service call shall be compensated for work performed.

A. On-site Response: During a Standby assignment, employees who must report to a work site (after hours), are compensated in half-hour increments, subject to appropriate pay, e.g., regular pay or overtime.

B. Remote Response: During a Standby assignment, employees who remotely respond to calls/concerns that last 30 minutes or longer are compensated in half-hour increments, subject to appropriate pay (e.g., regular pay or overtime).

RESPONSIBLITIES

Employees shall:

- Record placement on a Standby assignment in the agency's timekeeping system.
- Track time appropriately when responding to service requests, subject to Section VI (Response During Standby Assignment).

Division Chiefs shall:

- Implement the Department Head's decision on which compensation option is to be used by employees placed on a Standby assignment.
- Manage Standby assignments (for example, rotating assigned employees, communicating expectations, and ensuring employees appropriately code timecards for the compensation option designated by the Department Head).
- Inform relevant departments, divisions, or relevant individuals of the schedule of employees on Standby assignment.

Department Heads shall:

- Determine whether the use of employees in a Standby assignment is needed, based on the department's need for coverage and critical service delivery requirements.
- Determine which Standby compensation option is to be paid (compensatory leave vs. pay).
- Ensure the Standby compensation is applied uniformly for all eligible employees throughout the department.
- Review, for approval, the basic Standby assignment rotation plan proposed by the Division Chief.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC 19-01

Approval of Standby Compensation Pilot Program for
Designated IT Specialist and Trades Supervisor Positions Below the Division Chief Level

WHEREAS, the Maryland-National Capital Park and Planning Commission ("M-NCPPC") has the authority to set the compensation of employees and contractors pursuant to § 15-110 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, there is a regular operational need for certain positions to provide after-hours support for critical functions throughout the 7-day week; and

WHEREAS, departments have expressed difficulty in getting employees to provide the needed coverage on a volunteer basis within the established compensation system for non-represented employees; and

WHEREAS, a one (1) year Standby compensation pilot program has been proposed in an effort to meet these operational needs and recognize the placement of designated IT specialist and Trades supervisor positions, at Grade J, 30, 32 (or their equivalency), and below, in a "ready to respond" status to address after-hours needs, to be effective April 7, 2019; and

WHEREAS, the proposed pilot program would provide for compensating such employees with eight (8) hours of straight time compensation for providing after-hours coverage over a 7-consecutive day period, in the form of compensatory leave or straight pay, as determined by the Department Head and subject to budget availability; and

NOW THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission approves, and does hereby authorize, the establishment of a Standby compensation pilot program for designated IT specialist and Trades supervisor positions, at Grade J, 30, 32 (or their equivalency), and below; and

BE IT FURTHER RESOLVED, that such employees shall be compensated with eight (8) hours of straight time compensation for providing after-hours coverage over a 7-consecutive day period, in the form of either compensatory leave or straight pay, as determined by the Department Head and subject to budget availability; and

BE IT FURTHER RESOLVED, the Executive Director is authorized to promulgate operating procedures in the form of Administrative Procedures to implement the pilot program.

BE IT FURTHER RESOLVED, in conjunction with the Department Heads, the Executive Director shall re-evaluate and report back to the Commission regarding this pilot program at the end of one year.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 13, 2019

To: The Commission

Via: Anju Bennett, Acting Executive Director

From: Nathan Shearer, Management Analyst
Katie Knaupe, Budget & Management Operations Chief

Re: 2019 M-NCPPC Literacy and Language Proficiency Program Update

The Literacy and Language Proficiency Program is an agency-wide effort to help employees strengthen English reading, writing, and communication skills. It is designed to serve the needs of individuals for whom English is a second language as well as native English speakers. The Program is administered through a partnership of the Management Operations Division in DHRM and the Literacy Council of Montgomery County. This memo reports on the Literacy and Language Proficiency Program for the completed 2018 session and provides an update on the next steps for the 2019 session.

The Literacy Program is offered to any interested Merit employee and remains free of charge to participants. The Program continues to be popular with employees and managers who find the Program benefits participants in terms of personal growth, career growth, and contribution to the agency. Commissioners and Department Heads are strong supporters of the Program.

Each year the Program is extensively marketed through multiple platforms, including forums held throughout the agency, bilingual posters, flyers, and brochures. Program participants and managers also participate in marketing of the Program, as they are advocates of the Program's benefits and help in attracting new participants.

The Program allows employees with various language skills to receive instruction appropriate to assessed needs. The Program includes four levels of instruction to allow participants to progress through the various proficiency levels in verbal, reading and writing skills. To ensure the Program's continued success and relevance, our team works throughout the year with our operating departments, employees, and The Literacy Council. Our efforts have also included additional assessments, so we may better understand how to meet the needs of the employees, attract more participants, address management feedback, and accomplish the Commission's priorities.

2018 Program Overview

Highlights of the Program's progress over the last year include:

- Increased marketing through partnerships with senior managers/Department Heads: Division Chiefs and Park Managers have strong partnerships with our team and have been beneficial in communicating and promoting the Program at worksites through regular staff meetings.

- Increased enrollment by new students: The Program continues to maintain a steady enrollment each year, with a growing number of new enrollees. In 2017, only 15% of the participants were new enrollees. In 2018, 36% of the participants were new. For the 2019 session, 38% of participants are new.

- In 2018, 22 employees completed their literacy classes. 8 of these employees had newly enrolled for that year.

    - 59% (or 13) of participants were from Prince George's Parks and Recreation.

    - 36% (or 8) of participants were from Montgomery Parks.

    - 1 employee was from the bi-county operations of Central Administrative Services.

2018 Program Outcomes

- **Skill Enhancement:** Each student's skills are assessed with a pre-session assessment to determine the appropriate class placement as well as post-session assessment/exam to determine learning achievements. These assessments revealed that all the 2018 students showed growth and advancement in their language and literacy skills in either, or both, reading and writing. More than 50% of the students demonstrated enough growth to advance to the next level in the ESL program.

- **Career Advancement:** Employees who participate in the Program are also assessed from a career advancement standpoint. In 2016-2017, we noticed a significant impact on career advancement for employees who participated in the Program. 7% of the total participants received promotions, which is higher than the 5.5% promotion rate for the general workforce during the same period. We hope to see similar advancement from employees who participated in 2018 and 2019, but understand that career advancement, even if attributed in part to the Program, will take some time to measure after participation in the Program.

- **Program Success:** The 2018 Program was assessed through class observations, a mid-session survey, and a post-session survey. Additionally, supervisors, managers, and Division Chiefs of students, as well as potential students, were asked for feedback both

before and after the Program. Overall, the 2018 Program survey results reflected positive feedback from participants and managers. The instructors, course materials, and the curriculum were all well received. Many participants also reported that they were offered new or increased responsibilities and were able to better communicate with their colleagues, and as a result, they reported having an increased commitment to their job duties.

2019 Program Overview

This year's Program was launched in mid-January. 21 students have enrolled, 38% (or 8) are new enrollees. Based on the pre-instruction assessments of language proficiency skills, this session will include four levels of instruction. The four class levels and the Program's breakdown by Department can be seen in the table below.

Work Location	ESL 1-Low Intermediate	ESL 2-High Intermediate	ESL 3-Advanced	Basic Literacy	Total
Montgomery Parks	2	2	5	0	9
Prince George's Parks and Recreation	2	4	2	3	11
CAS	0	0	0	1	1
Total	**4**	**6**	**7**	**4**	**21**

Next Steps

We will continue to monitor employee progress throughout the year to ensure instruction and training materials are effective. Concerns are addressed as they arise and through the mid-year participant surveys. We will also continue to implement robust marketing to attract new students to the Program.

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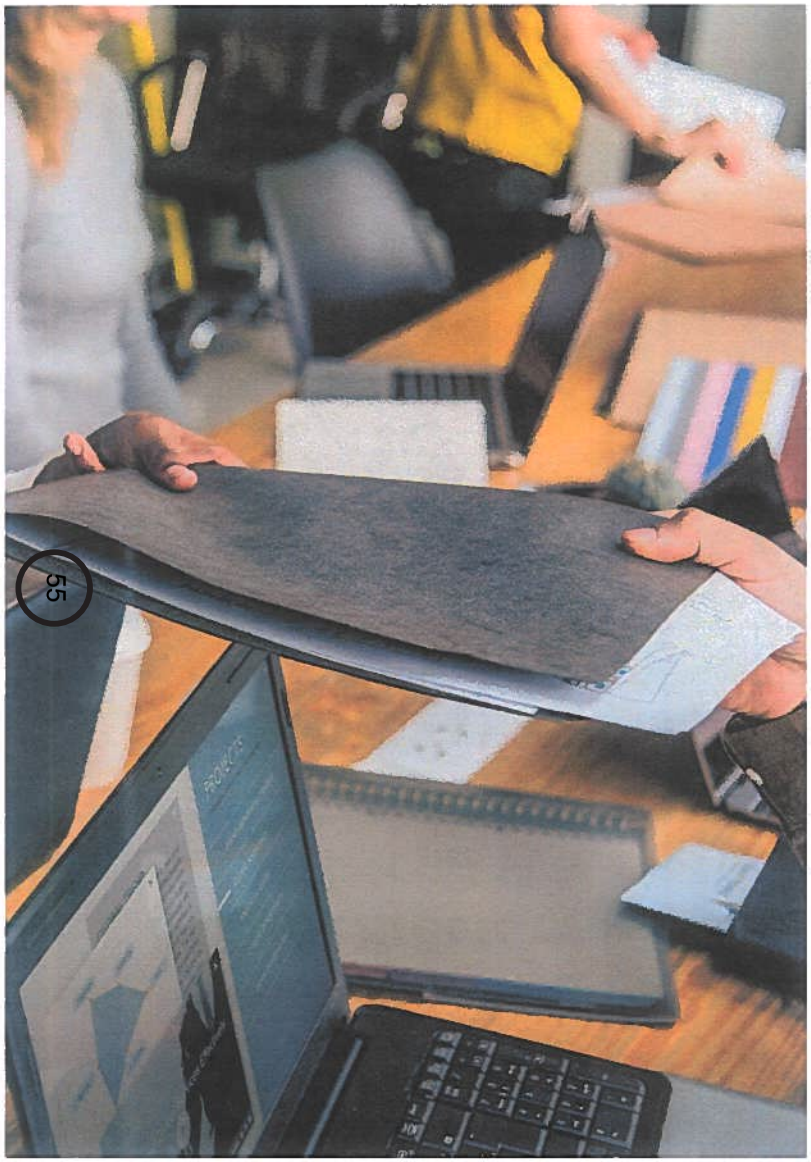
1

THE ENTERPRISE PROJECT PLAN (EPP)

PROJECT STATUS

AGENDA

- Active Projects List
- Active Directory Phase 3
- Alliance Replacement
- Security Assessment
- Kronos 8.X Upgrade
- B2 Seasonal Payroll Automation
- ERP Implementation – Infor V10 Upgrade
- GIS Mapping



EPP PROJECT STATUS

CWIT/PMO FY18 Projects

Active Projects

#	Project	Status
1	Active Directory – Phase 3	Delayed
2	Alliance Replacement	On-time
3	Security Assessment	Completed
4	Kronos 8.X Upgrade	On-time
5	B2 Seasonal Payroll Automation	On Hold
6	ERP Implementation – Infor V10 Upgrade	On-time
7	GIS Mapping	On-time

EPP PROJECT STATUS

Active Directory Phase 3
PM: Michael Wigglesworth | Status: Delayed

Description

This project is to upgrade and streamline M-NCPPC active directory. We have two separate domains for Parks & Recreation and MNCPPC. This project will consolidate Active Directory into one forest and multiple domains.

Windows Active Directory provides authentication, authorization and policy-based management of servers, workstations and users.

Benefits

The new AD structure will resolve Core Systems access issues.

Provides more efficient interaction between networks.

Risks

None at this time.

Key Dates

Prince George's County Parks and Recreation projected to complete **February 2019**

Progress

Parks and Recreation
Total to migrate: 1109 users/1837 computers
migrated: 673 users/647 computers.

EPP PROJECT STATUS

Alliance Replacement
PM: Michael Wigglesworth | Status: On-time

Description

The Alliance Replacement project consist of replacing the existing access control software, badging stations and the computers that run the software.

In the meantime, we are upgrading the current version of Alliance to the more recent version as a temporary measure.

Benefits

Obtain a fully supported access control solution.

Leverage new vendor's product suite.

Risks

None at this time

Key Dates

Upgrade of Alliance to latest version available February 2019 Completion.

Progress

Completed the connection of latest version of Alliance to the central server.

Update to Badging Stations.

Next Site: Beltsville and College Park Community Center

EPP PROJECT STATUS

Security Assessment
PM: Michael Wigglesworth | Status: Completed

Description

This project is designed to perform a security assessment of our network as an enterprise.

Benefits

Identify any potential security related risks and deficiencies in the enterprise network.

Assist in developing policies and procedure for a more secure and cohesive IT environment.

Risks

None at this time.

Key Dates

N/A

Progress

Completed last One-On - One's January 2019

EPP PROJECT STATUS

Kronos 8.X Upgrade
PM: Reggie Dixon | Status: On-time

Description

The purpose of this project is to upgrade Kronos 6.x to 8.x and install the new version of the Kronos time clocks for electronic time and attendance data collection.

Benefits

DPR will have a standard time and attendance data collection process for all of its Divisions that will allow them to electronically approve time for employees with multiple positions

Eliminate manual data collection and paper time cards for all DPR locations with the ability to host an electronic time clock

Risks

Identifying all users that should attend training

Key Dates

Upgrade completion – **week of 03/01/2019**

Data refresh – **1/28/19**

Training – **02/05//2019 thu 02/25/2019**

Progress

Changed the project deliver date from Jan 23rd to Feb 27th to allow for more training

Completed the design of the electronic time card

Completed the training plan for Managers and Admins

Worked with Kronos engineers to resolved several browser errors

EPP PROJECT STATUS

B2 Seasonal Payroll Automation
PM: Reggie Dixon | Status: On Hold

Description

This project will re-configure the data structure in Kronos from e-Personality to Infor compatible. Automating the processing of the B2 seasonal payroll time and attendance data will be possible after we upgrade to Kronos 8.x and then integrate with Infor v10.

Benefits

Eliminate opportunities for waste, fraud, and abuse

Automate the collection of time and attendance data through technology upgrades and enhancements for greater efficiency and accuracy

Remove process gaps and implement business process re-engineering to establish a standard across DPR

Risks

Identifying the proper functional process staff and management decision makers during the process re-engineering process.

Key Dates

Resume project activity – 3/**2019**

Project completion -9/**2019**

Progress

On hold pending the completion of the Kronos Upgrade project.

Met with the HRIS and Class & Comp teams to better understand position management and how merit rules are applied.

February 2019 Project and Operational teams will develop further requirements for the Employee Lifecycle processing/business rules and clock configuration.

EPP PROJECT STATUS

ERP Upgrade (Infor V10)
PM: Reggie Dixon | Status: On-time

Description

The objective of this project is to upgrade the current version of Infor Enterprise Resource (ERP) software to version 10.x and identify opportunities for automation and process improvements.

Benefits

Automate/streamline Employee Life Cycle

Electronic contract routing will reduce processing time and provide real-time status.

Ability to integrate EAM to ERP for procurement transactions

Lawson Business Intelligence (LBI) dashboard will improve managerial reporting.

Reduced paper, data entry, and processing time for benefits staff.

Risks

Lawson Budgeting and Planning (LBP) will end support by May 2019 and the new offering, d/EPM, has received less than satisfactory reviews.

- Working with implementation partner to research third party options

Key Dates

Lessons Learned Meeting – **1/16/2019**

Progress

Hosted the Lessons Learned meeting for the extended project team

Collected survey results from the Integrated Project Team (IPT) and the larger user community to assess the success of the project.

Continue to Hosting internal planning discussions for remaining ERP modules AP automation, Contracts management, Strategic Sourcing.

EPP PROJECT STATUS

GIS Mapping

PM: Jim Cannistra/Reggie Dixon | Status: On-time

Description

Geographic Information Systems (GIS) is a computer-based tool that analyzes, stores, manipulates and visualizes geographic information on a map. The project is to update the map data to make it current.

Benefits

Availability of updated map data to facilitate better planning across both Planning Departments.

Risks

Risk: Procurement process and Legal review timelines are unclear - Monitor process weekly.

Key Dates

None at this time.

Progress

The planimetric, topographic, and LiDAR elevation data update are complete and accepted.

Completing the remaining technical assistance and vegetation analysis update tasks.

THANK YOU FOR

YOUR SUPPORT!

Department of Human Resources and Management
Maryland-National Capital Park and Planning Commission

OFFICE OF THE EXECUTIVE DIRECTOR
6611 Kenilworth Avenue, Suite 402
Riverdale, Maryland 20737
Office: (301) 454-1740

February 20, 2019

TO: Commission

VIA: Anju Bennett, Acting Executive Director
William Spencer, Director, Human Resources

FROM: Jeannette R. Glover, MSM, Program Manager

SUBJECT: Status Report – 2018 Summer Employment Program for People with Disabilities

This year's theme for National Disability Employment Awareness Month, "America's Workforce: Empowering All," promotes the value in hiring people with disabilities to strengthen the diversity of our workforce and broaden our perspective.

In 1990, the Americans with Disability Act was signed into law by President George H. W. Bush. The law prohibits discrimination in employment, transportation, public accommodations, commercial facilities, telecommunications, and state and local government services.

Background – The Summer Employment Program for People with Disabilities

The Program was launched in 1998 in response to community requests for greater access to employment opportunities for this population. Since then the Commission has been committed to hiring people with disabilities.

The program is valued by our communities because it is inclusive and provides real employment opportunities, not piece work; and wages earned are the same as workers without disabilities doing the same or similar work.

Candidates must be high functioning due to the nature of the work assignments.

Program Implementation 2018

In February 2018, Department Heads received a request from DHRM to commit summer jobs to the Program. Once positions were identified, an email with job

descriptions, applications, and instructions to schedule an interview was sent to advocacy agencies, school administrators, and individual citizens in Maryland, the District of Columbia, and Virginia. The current database has a total of 502 contacts.

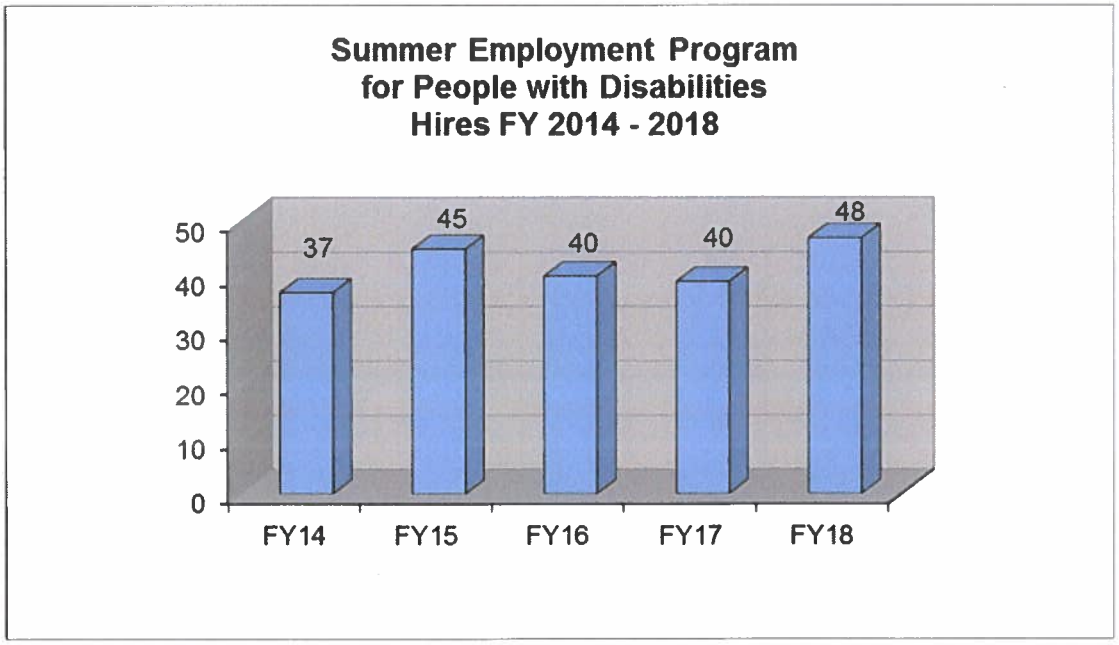
Interviews were held March 19th through April 12th. Interview panels included Prince George's Parks and Recreation Regional Managers and Inclusion staff, Prince George's Planning staff, and the Recruitment and Selection Services Office Manager.

Once selections were made, offers were extended. Applicants who accepted their Program offers were fingerprinted for background checks, personnel paperwork was completed, and new hires received dates for in-service training.

Participation

Applicants had a variety of qualifications and skill sets. Some are high school students or recent high school graduates with little or no work experience. Adult applicants may have had some work experience, degrees and/or certifications.

Working closely with participating departments led to the highest number of Program participants in the past five years, as reflected in the chart below.



- Positions were filled for Playground/Camp Counselors/Aides, Playground Leaders/Aides, Inclusion Support Staff, and Clerical. The largest number of hires were for the Playground and Camp programs.

- This year, three summer hires worked with the Youth@Work/Summer Youth Enrichment Program (SYEP) Conservation in Action Job Corps Program.

- Two people using wheelchairs worked as Playground Aides.

- One returning Playground Leader graduated from Bowie State University in May and is now working on a master's degree at Georgetown University.

Additionally

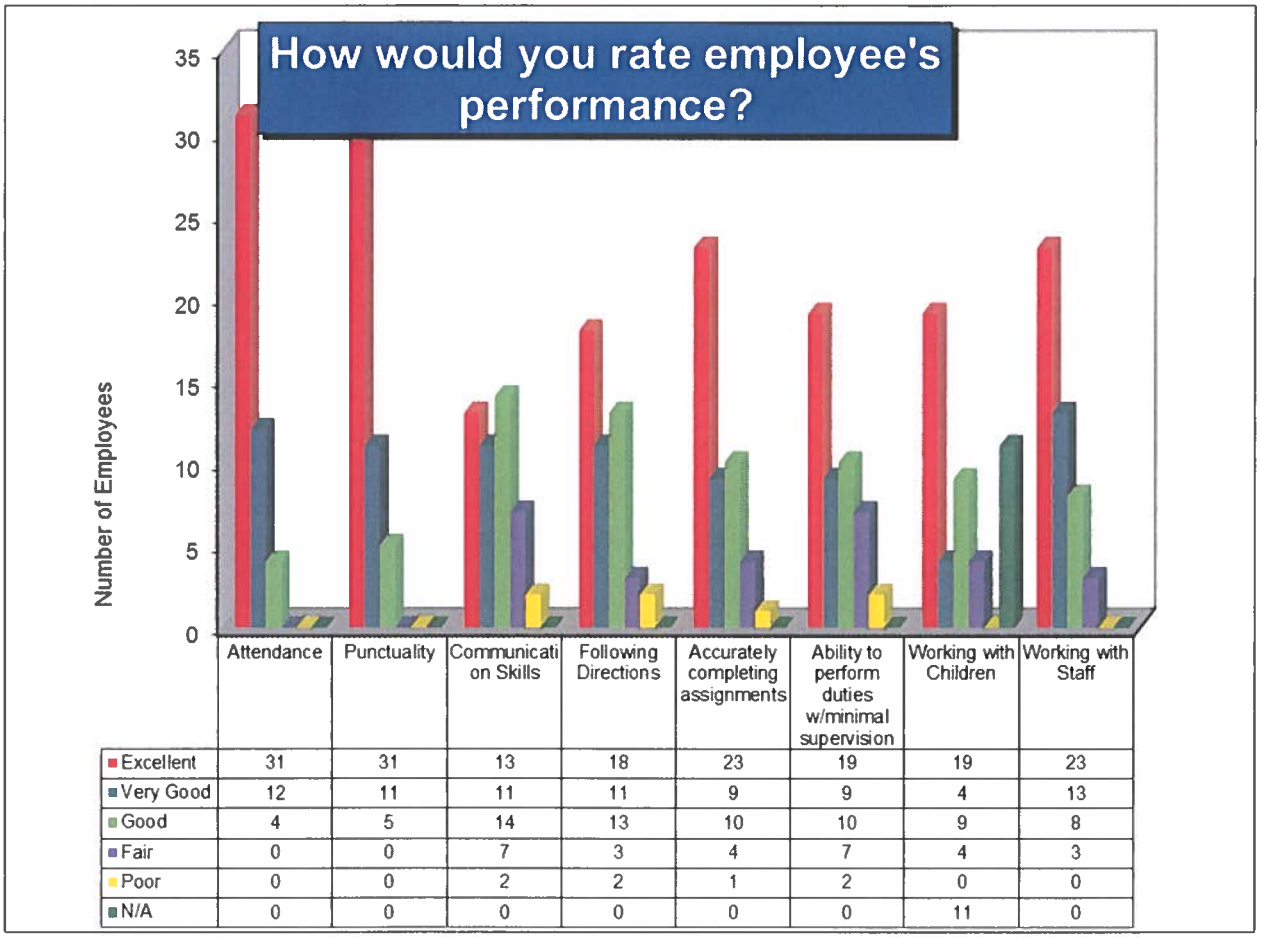
It should be noted that the preceding chart does not reflect Montgomery County Parks' commitment to employing people with disabilities. They have a partnership with Montgomery County Government's disability employment program and have received recognition in the past for their participation. Over the past several years, 13 interns have been hosted through the Montgomery Parks' program. Notably on October 18, 2017, the Montgomery County Department of Parks was awarded the 2017 *Employment Trailblazer Award* at the 3rd Annual Seeking Empowerment, Employment and Community (SEEC) Employer Networking and Recognition Breakfast for public and private organizations. "SEEC is a progressive nonprofit agency providing a wide range of community support to help people with developmental disabilities direct their lives toward meaningful days and happy lives."

Recently, the Prince George's Provider Council, an advocacy and support organization for people with disabilities and their families, honored The M-NCPPC and a seasonal staff member with a disability employed by the Prince George's County Planning Department, at their Fourth Annual Employment Awards Breakfast on October 17, 2018 (during National Disability Awareness Month). The employee provides GIS mapping, data entry, and research support to the Prince George's Planning Department.

The Commission was recognized as Employer of the Year for its workforce commitment and contributions to the disability community in Prince George's County. The award was accepted on behalf of The Commission by Jeannette Glover from the Recruitment and Selection Services Office.

Managers' Survey Responses of the Summer Employment Program

- Overall performance reviews from staff/supervisors were excellent (see on following page).



	Attendance	Punctuality	Communication Skills	Following Directions	Accurately completing assignments	Ability to perform duties w/minimal supervision	Working with Children	Working with Staff
Excellent	31	31	13	18	23	19	19	23
Very Good	12	11	11	11	9	9	4	13
Good	4	5	14	13	10	10	9	8
Fair	0	0	7	3	4	7	4	3
Poor	0	0	2	2	1	2	0	0
N/A	0	0	0	0	0	0	11	0

Other Observations

- We continue to have a shortfall from applicants living in the Laurel-Beltsville areas even though we are reaching out to the community, advocacy agencies, and to representatives from Laurel and High Point High Schools. We will be meeting with representatives from both schools during the winter to encourage their participation next summer.

- The Program needs more clerical and maintenance job opportunities to meet participant preferences and available skill sets.

- Although there were too many interview cancellations and no-shows, automating the interview scheduling using an on-line tool improved the process. We will be working closely with participating agencies and schools to reduce interview cancellations and no-shows next year.

cc: Steven Kawakami, Supervisor, Recruitment and Selection Services

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JANUARY 2019

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	Dec-18	Jan-19	Dec-18	Jan-19	Dec-18	Jan-19	Dec-18	Jan-19
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	4	0	0	0	0	0	4
OFFICE OF INSPECTOR GENERAL	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	1	0	0	0	0	0	1
LEGAL DEPARTMENT	0	1	2	2	1	0	3	3
FINANCE DEPARTMENT	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PLANNING	3	5	1	0	1	1	5	6
PRINCE GEORGE'S PARKS & RECREATION	22	32	2	5	0	1	24	38
MONTGOMERY COUNTY PARKS	6	8	0	0	1	1	7	9
MONTGOMERY COUNTY PLANNING	3	2	2	1	0	0	5	3
****DEPARTMENT TOTAL BY DAYS LATE****	**35**	**53**	**7**	**8**	**3**	**3**		
COMMISSION-WIDE TOTAL							**45**	**64**

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

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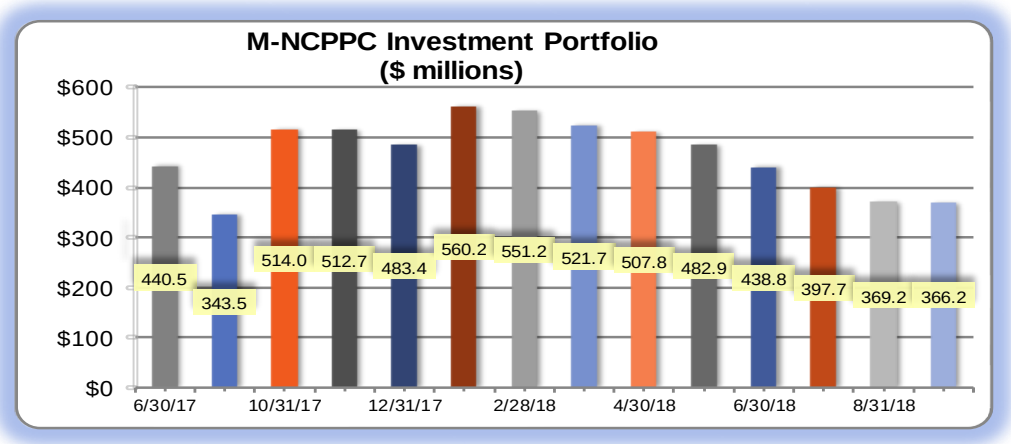
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
Telephone (301) 454-1592 / Fax (301) 454-1637

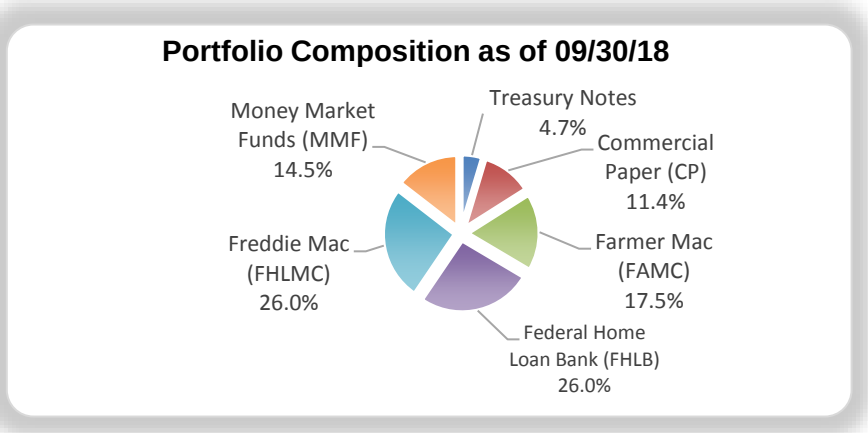
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager TH
DATE: 1/24/2019
SUBJECT: Investment Report – **September 2018**

The Commission's pooled cash investment portfolio totaled $366.2 million as of September 30, 2018, with a 0.8% decrease from August 31, 2018. Details are as follows:



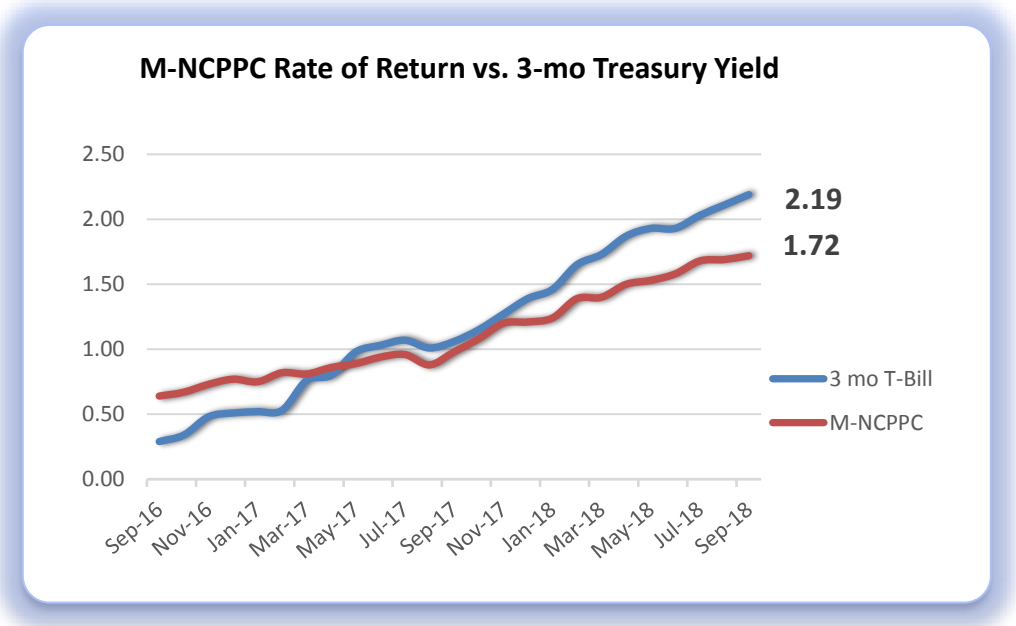
The composition of the pooled cash portfolio as of September 30, 2018 is summarized below:



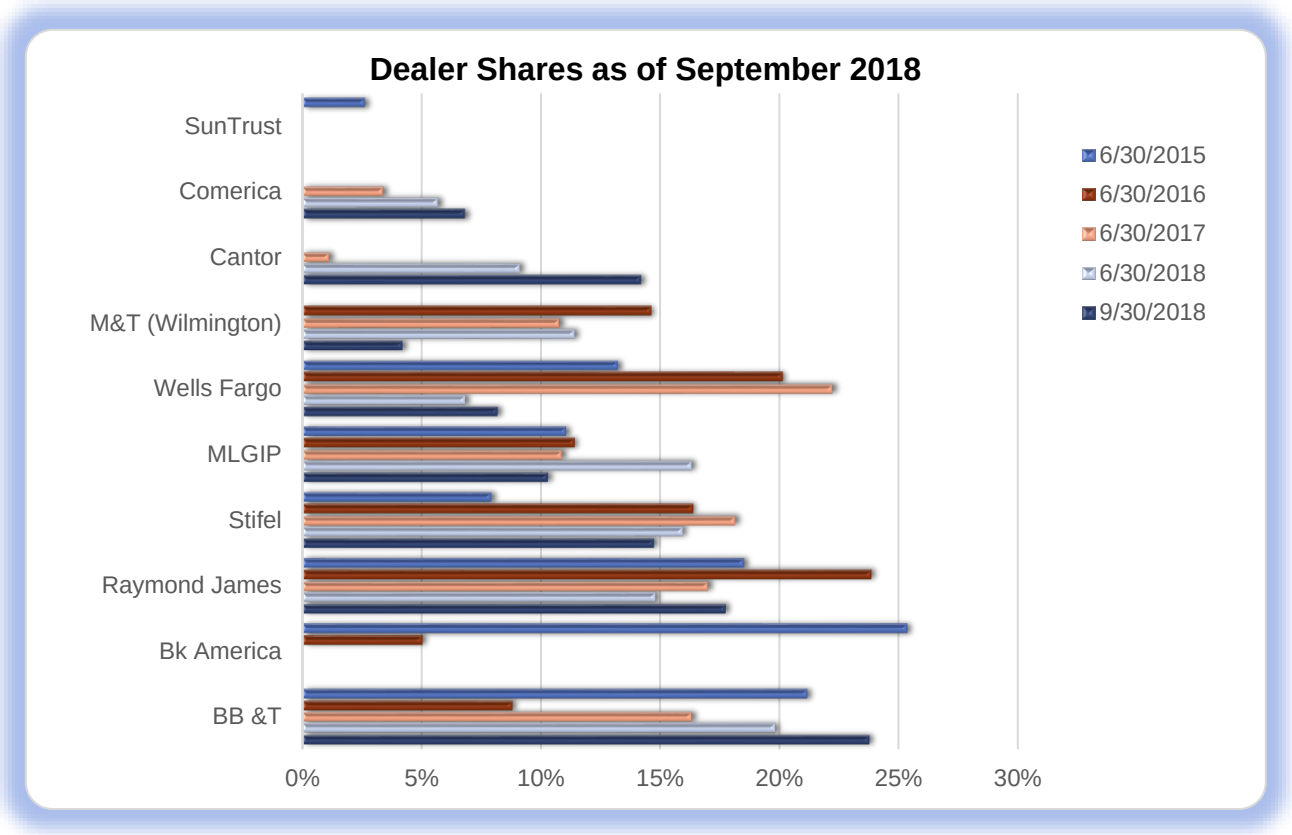
Current Investment Portfolio - September 2018					
Instrument	**Limit**	**Actual**	**Par Value**		**Return**
Federal Home Loan Banks	20%	26%	$	95,000,000	1.60%
Freddie Mac	20%	26%		95,000,000	1.49%
Farmer Mac	20%	18%		64,000,000	1.72%
Money Funds *	25%	15%		53,151,988	1.89%
Commercial Paper	10%	11%		42,000,000	2.74%
Treasury Notes	100%	5%		17,000,000	1.07%
Federal Farm Credit Bureau	20%	0%		-	
Fannie Mae	20%	0%		-	
Certificates of Deposit	50%	0%		-	
Bankers Acceptances	50%	0%		-	
Repurchase Agreements	60%	0%		-	
		100%	**$**	**366,151,988**	**1.73%**

*Funds as of 9/30/2018.

The pooled cash portfolio complied with all policy limits with regards 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 - September 2018		
Prince George's County (PGC-2017A)	$	16,449,138
		$16,449,138

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of September 30, 2018 appear below:

Debt Balances - September 2018					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	**$ -**	**$ -**	**0%**		
Prince George's County					
NN-2 (*Refunded Z-2*)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (*Refunded P-2, M-2, EE-2*)	11,420,000	5,225,000	46%	Jun-12	Jan-24
PGC-2014A	26,565,000	22,400,000	84%	May-14	Jan-34
PGC-2015A (*Refunded JJ-2*)*	24,820,000	23,135,000	93%	Oct-15	Jan-36
PGC-2017A	33,000,000	31,350,000	95%	Jul-17	Jan-37
Total Prince George's County	**$ 109,885,000**	**$ 86,180,000**	**78%**		
Montgomery County					
LL-2	8,405,000	1,710,000	20%	May-09	Nov-20
MM-2	5,250,000	525,000	10%	May-09	Nov-19
MC-2012A (*Refunded CC-2, FF-2*)	12,505,000	9,185,000	73%	Apr-12	Dec-32
MC-2012B	3,000,000	2,375,000	79%	Apr-12	Dec-32
MC-2014A	14,000,000	11,970,000	86%	Jun-14	Jun-34
MC-2016A	12,000,000	11,140,000	93%	Apr-16	Nov-35
MC-2016B (*Refunded FF-2,II-2,MM-2*)	6,120,000	5,940,000	97%	Apr-16	Nov-28
MC-2016C (*Refunded FF-2 ALA of 2004*)	1,075,000	885,000	82%	Apr-16	Nov-24
MC-2017A	8,000,000	7,600,000	95%	Apr-17	Nov-36
Total Montgomery County	**$ 70,355,000**	**$ 51,330,000**	**73%**		
Total	**$ 180,240,000**	**$ 137,510,000**	**76%**		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 - **September 30, 2018**

OBJECTIVES	Limit	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				
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			**Yes**	All maturities within limits
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		**No**		Less than market by **47** basis points
The pro-rated rates of return for the portfolio and T-bills were **2.19%** and **1.72%**, respectively.				

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

Reply To

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

February 8, 2019

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

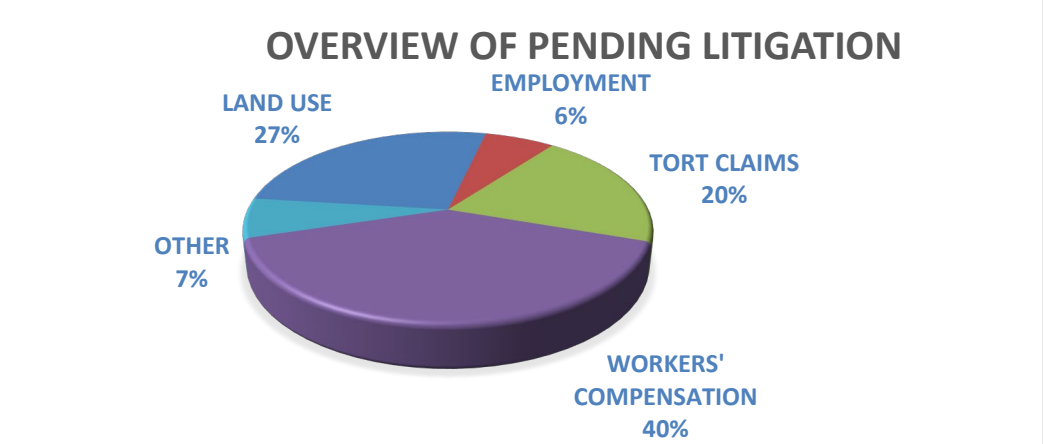
RE: Litigation Report for January 2019 – FY 2019

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 20, 2019. 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.

Table of Contents – January 2019 – FY 2019 Report

January 2019
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		3				4
Admin Appeal: Other							
Land Use Dispute							
Tort Claim	3						3
Employment Dispute			1				1
Contract Dispute	1		1				2
Property Dispute			1				1
Civil Enforcement							
Workers' Compensation	6						6
Debt Collection							
Bankruptcy							
Miscellaneous	1		1	1		1	4
Per Forum Totals	12		7	1		1	21



By Major Case Categories

January 2019 Litigation
Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2019			
	Pending In Dec. 2018	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	4			3	4	1	4
Admin Appeal: Other (AAO)	-			0			
Land Use Disputes (LD)	-			1			
Tort Claims (T)	5		2	6	3	3	3
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	3		1	6	1	3	2
Property Disputes (PD)	1			2		1	1
Civil Enforcement (CE)	-			0			
Workers' Compensation (WC)	6			2	2		6
Debt Collection (D)	-			0			
Bankruptcy (B)	-			0			
Miscellaneous (M)	4			4	1	1	4
Totals	24	-	3	25	11	9	21

INDEX OF YTD NEW CASES
(7/1/2018 TO 6/30/19)

A. New Trial Court Cases.	Unit	Subject Matter	Month
Gaspard v. Montgomery County Planning Bd.	MC	AALU	July 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	July 18
State Farm v. Barney, et al.	MC	Tort	Aug 18
Commission v. Ferrante	MC	WC	Oct 18
Lovett v. Commission	PG	Tort	Oct 18
Stephanie Green v. Commission	PG	WC	Oct 18
Rose Green v. Commission	PG	Tort	Oct 18
Cox v. Commission	MC	WC	Nov 18
Cox v. Commission	MC	WC	Nov 18

B. New Appellate Court Cases.	Unit	Subject Matter	Month
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Board	MC	AALU	July 18
Town of Forest Heights v. Commission	PG	Misc.	July 18
Brooks v. Commission	PG	AALU	Aug 18
URS v. Commission	PG	CD	Aug 18

C. New Supreme Court of the U.S. Cases.	Unit	Subject Matter	Month

INDEX OF YTD RESOLVED CASES
(7/1/2018 TO 6/30/19)

A. Trial Court Cases Resolved.	Unit	Subject Matter	Month
Sauer, Inv. v. Commission	PG	CD	July 18
Commission v. D.L. Boyd	PG	CD	Aug 18
Arnold v. Napier	PG	Tort	Sept 18
Rivers v. Fitts	PG	Tort	Sept 18
State Farm Fire & Casualty v. Barney, et al.	MC	Tort	Oct 18
Rose Green v. Commission	PG	Tort	Nov 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	Nov 18
Commission v. McCoy	PG	CD	Dec 18
Lovett v. Commission	PG	Tort	Dec 18
Bundu v. Bowman	PG	Tort	Dec 18

B. Appellate Court Cases Resolved.	Unit	Subject Matter	Month
Brooks v. Commission	PG	AALU	July 18
URS Corporation v. Commission	PG	CD	July 18
Rounds v. Montgomery County, MD, et al	MC	PD	Aug 18
Price, et al. v. Prince George's County, et al.	PG	Misc.	Oct 18
Brooks v. Commission	PG	AALU	Oct 18
URS Corporation v. Commission	PG	CD	Oct 18
Pulte., et al. v. Montgomery County, et al.	MC	LD	Nov 18

Disposition of FY19 Closed Cases Sorted by Department		
CLIENT	**PRINCIPAL CAUSE OF ACTION IN DISPUTE**	**DISPOSITION**
Employees Retirement System		
Finance Department		
Price, et al. v. Prince George's County, et al.	Appellate matter – Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County. The Commission did not file a brief in this matter.	10/2/18 – Appeal dismissed for failure to file a properly corrected brief
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Montgomery County, MD, et al.	Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road Easement	08/24/18 – Judgment of Circuit Court affirmed
West Montgomery Citizens Association v. Montgomery County Planning Board	Petition for Judicial Review filed appealing the Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	11/02/18 - Case consolidated with Gaspard v. Montgomery County Planning Board
Montgomery County Department of Parks		
State Farm Fire & Casualty Co. A/S/O Yuenyee Lee v. Barney, et al.	Defense of Claim for property damage to home from tree on Commission property.	10/12/18 – Case settled and dismissed
Montgomery County Park Police		
Montgomery County Planning Board		
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland	11/29/18 - Decision of U.S. District Court affirmed.

Prince George's County Department of Parks and Recreation		
Arnold v. Napier	Defense of Claim for personal injury involving vehicle owned by Commission.	09/10/18 – Case dismissed.
Commission v. D.L. Boyd	Commission filed complaint for property damage to Commission property (mansion)	08/17/18 Case settled and dismissed.
Commission v. McCoy	Commission filed complaint for property damage to Commission's golf cart	12/14/18 Complaint dismissed for lack of prosecution. Final payment made on 1/29/19.
Lovett v. Commission	Defense of Claim for personal injury sustained while traveling in bus operated by Commission.	12/06/18 – Case voluntarily dismissed.
Rivers v. Fitts	Defense of Claim for personal injury involving vehicle owned by Commission.	09/26/18 – Judgment for Plaintiff
Rose Green v. Commission	Plaintiff filed a complaint for personal injuries allegedly occurring on Commission property.	11/09/18 Case dismissed prior to service upon the Commission
Sauer, Inc. v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the expansion of the Palmer Park Community Center in Prince George's County.	07/23/18 – Case settled and dismissed.
URS Corporation v. Commission	URS appealed the Circuit Court Decision entering judgment in favor of the Commission as a result of URS breach of duty to defend	07/06/18 – Judgment of Circuit Court affirmed
URS Corporation v. Commission	URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.	10/26/18 - Petition for Writ of Certiorari denied
Prince George's County Planning Department		
Prince George's County Planning Board		
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	07/20/18 – Judgment of Circuit Court affirmed.
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	10/26/18 - Petition for Writ of Certiorari denied.

Prince George's Park Police		
Bundu v. Bowman	Defense of Claim for personal injury involving accident in Prince George's County.	12/03/18 – Case dismissed with prejudice. Case settled for $70,000.00.
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Clean Air Mechanical Inc., et al
Case No. CAL18-00211 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.

Status: Awaiting trial.

Docket:

01/03/18	Case transferred to Circuit Court Prince George's County from Montgomery County (438017-V)
01/16/18	Answer to complaint and Motion to Dismiss and/or Motion for Summary Judgment filed by Defendants
02/02/18	Voluntary dismissal of Hudgins and Hardesty; Opposition to Motion for Summary Judgment filed; Amended Complaint filed
03/06/18	Motion to Dismiss, or in the Alternative, for Summary Judgment and Request for Hearing denied as Moot; matter shall continue in due course
05/14/18	Pretrial conference held
07/11/18	Counsel for Defendant's Motion to Withdraw appearance
07/30/18	Motion to Withdraw by Plaintiff's Counsel granted and Notice to Employ new counsel
10/30/18	Alternate Dispute Resolution Conference held. Defendant did not appear.
10/31/18	Order of Court – Alternate Dispute Resolution conference was not held. The case did not settle and shall proceed to trial as scheduled. Defendants failed to appear.
01/31/19	Motion for Summary Judgment and/or Default Judgment filed by Commission
02/11/19	Trial

Commission v. Ferrante
Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: In discovery.

Docket:

04/17/18	Petition for Judicial Review filed
05/07/18	Commission files response to Petition for Judicial Review
06/19/18	Pretrial date rescheduled by consent
06/26/18	Order of Court rescheduling Pretrial Conference
07/09/18	Pretrial Conference cancelled
11/28/18	Consent Motion to consolidate with CAL18-40683
12/27/18	Consent Motion to consolidate with CAL 18-40683 refiled
01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial

Commission v. Ferrante
Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: In discovery.

Docket:

10/30/18	Petition for Judicial Review filed
11/28/18	Consent Motion to Consolidate with CAL18-09401
12/27/18	Consent Motion to Consolidate with CAL18-09401 refiled
01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial

Diggs v. Robinson, et al
Case No. CAL17-40851(Tort)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Defense of claim for personal injury following an automobile accident.

Status: Case settled.

Docket:

12/20/17	Complaint filed
01/08/18	Defendant Robinson served via certified mail
01/29/18	Plaintiff files Amended Complaint
02/02/18	Answer to Complaint filed
04/02/18	Plaintiff's Expert Designation filed
06/21/18	Pretrial Conference held
01/04/19	Alternate Dispute Resolution Conference
01/10/19	Case settled at ADR.

Green v. Commission
Case No. CAL 18-40994 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring claimant/plaintiff to use Corvel's mail-in services for her prescription needs, effective December 1, 2018.

Status: In discovery.

Docket:

10/31/18	Petition for Judicial Review filed
11/28/18	Response to Petition for Judicial Review
04/11/19	Pretrial Conference

Gutierrez v. Commission
Case No. CAL18-15226 (Tort)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

05/22/18	Complaint filed
06/15/18	Commission served
07/24/18	Answer filed
11/27/18	Pretrial Conference held
06/03/19	Alternative Dispute Resolution
08/26/19	Trial

Ross v. Commission
Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order which included a credit for the Commission for temporary total disability benefits paid and denied additional credit for vocational rehabilitation benefits paid.

Status: Pending trial.

Docket:

04/23/18	Petition for Judicial Review filed
05/04/18	Commission responds to Petition for Judicial Review
05/14/18	Commission's Cross-Petition for Judicial Review
06/01/18	WCC Notice of Cross Appeal
07/16/18	Commission's Motion for Partial Summary Judgment filed
07/24/18	Opposition to Motion for Partial Summary Judgment filed
09/06/18	Pretrial Conference
09/24/18	Motion for Partial Summary Judgment granted for additional credit for vocational rehabilitation benefits paid. Trial remains scheduled on issues of whether claimant is permanently totally disabled.
04/01/19	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Cox v. Commission
Case No. 457282-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC finding her to have a 5% permanent partial disability.

Status: Case settled.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review
11/26/18	Plaintiff's Motion to Include and Incorporate the WCC's revised order dated 10/24/18
12/06/18	Defendant's response to claimant's Motion to Include and Incorporate
12/26/18	Order for Appropriate Relief – Plaintiff's Motion to Include and Incorporate WCC's revised order dated 10/24/18 granted and entered.
01/30/19	Joint Motion to Dismiss and remand to the Workers' Compensation Commission. Settlement pending approval of WCC.

Cox v. Commission
Case No. 457283-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC which denied her petition to reopen for worsening of condition/increased permanent partial disability.

Status: Case settled.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review
01/30/19	Joint Motion to Dismiss and remand to the Workers' Compensation Commission. Settlement pending approval of WCC.

Gaspard v. Montgomery County Planning Board (see West Montgomery Citizens case below)
Case No. 451996-V (AALU)

Lead Counsel: Mills
Other Counsel: Dumais

Abstract: Petition for Judicial Review filed of Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Appeal filed.

Docket:

07/31/18	Petition(s) for Judicial Review filed
08/10/18	Commission's Response to Petition
08/31/18	Response of S. Vazer to Petition for Judicial Review
09/04/18	Motion to Consolidate with Case 452024-V
09/21/18	West Montgomery Citizens Association's response to Motion to Consolidate
11/02/18	Order granting consolidation of cases. All future pleadings to be filed in case 451996V.
11/09/18	Petitioner's Memorandum of Law (Gaspard and Burnes) filed
11/19/18	Petitioner's Memorandum of Law (West Montgomery County Citizens Association)
12/07/18	Commission's Answering Memorandum filed
12/10/18	Respondent Sara Vazer's Memorandum of Law filed
12/26/18	Petitioner's Reply Memorandum filed
12/26/18	West Montgomery Citizens Association's consolidated Reply Memorandum

Global Lifesci Development Corporation v. Montgomery County, et al.
Case No. 444115-V (Misc.)

Lead Counsel: Foster
Other Counsel: Dickerson

Abstract: Complaint for Declaratory Judgment, Quiet Title and Injunctive Relief. The Commission has no objection to the relief sought.

Status: Judgment entered.

Docket:

03/12/18	Complaint filed
03/12/18	Motion for Summary Judgment filed
04/27/18	Commission served
06/07/18	Commission Answer filed
06/07/18	M-NCPPC response to Motion for Summary Judgment filed
06/29/18	Amended Complaint filed
06/29/18	Motion for Summary Judgment filed
08/03/18	Plaintiff's Motion for Postponement of hearing

08/14/18	Summary Judgment hearing removed
10/24/18	Notice of hearing on Summary Judgment
11/29/18	Plaintiff's Notice of Voluntary Dismissal without Prejudice as to Defendants Cherry Hill Joint Venture, LLP, Mark A. Gaspar, James M. Smith, Branch Banking and Trust Company and Wilmington Trust National Association.
12/07/18	Memorandum to postpone the 12/05/18 event date to 1/15/19
12/07/18	Notice of hearing date
01/15/19	Plaintiff's Motion for Summary Judgment on Amended Complaint Granted. All issues resolved. No adverse impact to Commission.

Melara, et al. v. Evans
Case No. 439733-V (Tort)
(originally filed in District Court of Montgomery County 0601-0011991-2017)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

11/08/17	Case transferred from District Court
04/19/18	Pretrial conference held
05/24/18	Pre-trial/settlement conference held
05/24/18	Case Consolidated with Case No. 439733-V
05/25/18	Order of Consolidation – All future filings to be in this case
06/01/18	Answer of Erie Insurance and demand for Jury trial
07/02/18	Commission's Answer to Counter-Complaint
10/22/18	Erie's Consent Motion to Bifurcate issue of liability from damages
10/26/18	Plaintiff and Defendant Julie M. Evans' Stipulation of Partial Dismissal in Case No. 439733V as dismissed with prejudice. All claims asserted in the consolidated matter of Evans v. Melara, Case No. 435456V, remain pending.
11/01/18	Pre-trial Conference held
11/01/18	Court denies Erie's Consent Motion to Bifurcate issue of liability from damages
12/26/18	Defendant's Response to Erie's Motion for Summary Judgment
12/26/18	Motion for Leave to Amend Complaint
01/07/19	MNCPPC's Opposition to Motion for Leave to File Second Amended Complaint
01/28/19	MNCPPC's Motion for Summary Judgment
03/05/19	Motions Hearing
04/01/19	Trial

MARYLAND COURT OF SPECIAL APPEALS

Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board
September Term 2018, No. 1034 (AALU)
(Originally filed under 436463-V in Montgomery County)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court June 4, 2018 Order affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.

Status: Appeal filed.

Docket:

07/03/18	Civil Information Report filed
10/26/18	Order Appeal to proceed without a prehearing conference or ADR

Burnette v. Commission
September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Awaiting oral argument.

Docket:

01/23/18	Notice of Appeal
05/29/18	Appellant's Brief filed
06/26/18	Commission filed Brief
02/21/19	Oral Argument

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board
September Term 2017, Case No. 2568 (AALU)
(Originally filed under 433722-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court January 29, 2018 Order affirming the Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.

Status: Awaiting oral argument.

Docket:

03/01/18	Civil Information Report filed
03/23/18	Order Appeal to proceed without a prehearing conference or ADR
09/18/18	Appellants' Brief and record Extract filed
12/14/18	Brief of Appellee, The Montgomery County Planning Board filed
12/14/18	Brief of Appellee, RCGG, Jesus House, DC filed
03/19/19	Oral Argument

Fort Myer Construction Corporation v. Commission
September Term 2017, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Awaiting decision.
Docket:

10/26/17	Notice of Appeal
12/03/18	Oral Argument held

Pletsch, et al v. Commission
September Term 2017, No. 2518 (AALU)
(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
02/23/18	Notice of Appeal filed by St. John Properties, Inc.
01/23/19	Petitioner's Brief filed
01/23/19	Joint Record Extract filed
04/01/19	Commission's Brief due
05/01/19	Oral Argument no earlier than this date

Rounds v. Montgomery County, MD, et al
September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin
Adams

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Awaiting decision.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Plaintiffs'/Appellants' Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing
12/12/18	Oral Argument held

The Town of Forest Heights v. Commission
September Term 2017, No 2538 (Misc.)
(Originally filed under CAL 16-29110 in Prince George's County)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Appeal filed.

Docket:

02/23/18	Notice of Appeal filed
03/16/18	Order to Proceed w/out Pre-hearing Conference
06/01/18	Certiorari granted – case transferred to Court of Appeals

MARYLAND COURT OF APPEALS

The Town of Forest Heights v. Commission
September Term 2018, Petition No. 105 (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Awaiting decision.

Docket:

05/10/18	Petition for Cert filed by the Town of Forest Heights
05/15/18	Commission Answer to Petition for Writ of Cert
06/01/18	Petition for Writ of Certiorari granted
07/24/18	Town of Forest Heights Brief filed
08/31/18	Commission Brief filed
08/31/18	Amicus Curiae in Support of Appellant filed by The Maryland Municipal League, Inc.
09/20/18	Town of Forest Heights Reply Brief filed
10/04/18	Oral Argument held.

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al
Case No. 17A1175 (Misc.)
17-1717 (American Legion)
18-18 (M-NCPPC)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kmar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Awaiting oral argument.

Docket:

04/24/18	Commission's Application to extend the time to file a Petition for Writ of Certiorari
04/30/18	American Legion's Application to extend time to file a Petition for Writ of Certiorari
05/03/18	American Legion's Application to extend time granted
05/09/18	Commission's Application to extend time granted
06/25/18	American Legion's Petition for Writ of Cert. filed
06/29/18	Commission's Petition for Writ of Cert. filed
07/12/18	Blanket Consent filed by Respondents, The American Legion, the American Legion Department of Maryland, and The American Legion Colmar Manor Post 131
0713/18	Blanket Consent filed by Petitioner, M-NCPPC
07/25/18	Amicus Brief American Center for Law and Justice
07/26/18	Amicus Brief Military Order of the Purple Heart
07/27/18	Amicus Brief 109 United States Senators and Members of the United States House of Representatives
07/27/18	Amicus Brief Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
07/27/18	Amicus Brief The Town of Taos, New Mexico

07/27/18	Amicus Brief The Islam and Religious Freedom Action Team of the Religious Freedom Institute
07/27/18	Amicus Brief International Municipal Lawyers Association
07/27/18	Amicus Brief Veterans of Foreign Wars of the United States
07/27/18	Amicus Brief Medal of Honor Recipients
07/27/18	Amicus Brief Maryland Elected Officials
07/27/18	Amicus Brief State of West Virginia, 27 Other States & the Governor of Kentucky
07/27/18	Amicus Brief Retired Generals and Flag Officers
07/27/18	Amicus Brief Jewish Coalition for Religious Liberty
07/27/18	Amicus Brief The Becket Fund for Religious Liberty
08/01/18	Amicus Brief Foundation for Moral Law
08/02/18	Amicus Brief State of Maryland
08/02/18	Amicus Brief Veterans in Defense of Liberty
08/02/18	Amicus Brief Prince George's County, Maryland
08/02/18	Amicus Brief The Rutherford Institute
08/21/18	Reply of Commission
08/22/18	Distributed for Conference of 9/24/18
10/01/18	Distributed for Conference of 10/05/18
10/09/18	Distributed for Conference of 10/12/18
10/22/18	Distributed for Conference of 10/26/18
10/29/18	Distributed for Conference of 11/02/18
11/02/18	Certiorari granted.
12/17/18	Brief of petitioners The American Legion, et al.
12/17/18	Brief of petitioner M-NCPPC
12/17/18	Joint Appendix filed
12/18/18	Brief amici curiae of American Association of Christian Schools, et al.
12/19/18	Brief amicus curiae of Justice and Freedom Fund
12/19/18	Brief amicus curiae of Thomas More Law Center
12/19/18	Brief amicus curiae of Town of Taos, New Mexico
12/20/18	Brief amicus curiae of Wisconsin Institute for Law & Liberty
12/20/18	Brief amicus curiae of Foundation for Moral Law
12/20/18	Brief amicus curiae of State of Maryland
12/21/18	Set for Oral Argument on 2/27/19
12/21/18	Brief amici curia of The National Jewish Commission on Law and Public Affairs
12/21/18	Brief amicus curiae of Family Research Council
12/21/18	Brief amici curiae of Medal of Honor Recipients
12/21/18	Brief amici curiae of American Center for Law & Justice, et al.
12/21/18	Brief amici curiae of Retired Generals and Flag Officers
12/21/18	Brief amici curiae of Veterans of Foreign Wars of the United States, et al.
12/21/18	Brief amicus curiae of The Utah Highway Patrol Association
12/21/18	Brief amici curiae of Citizens United and Citizens United Foundation
12/21/18	Brief amici curiae of Family Members of Soldiers Named on the Peace Cross
12/21/18	Brief amicus curiae of Center for Constitutional Jurisprudence
12/21/18	Brief amici curiae of Public Advocate of the United States, et al.

12/21/18	Brief amicus curiae of Judicial Watch, Inc.
12/21/18	Brief amicus curiae of Liberty Counsel
12/21/18	Brief amici curiae of National Association of Counties, et al.
12/21/18	Brief amici curiae of Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
12/21/18	Amicus brief of The Rutherford Institute
12/24/18	Brief amici curiae of State of West Virginia and 29 Other States
12/24/18	Brief amicus curiae of Cato Institute
12/24/18	Brief amicus curiae of The Becket Fund for Religious Liberty
12/26/18	Brief amicus curiae of Jewish Coalition for Religious Liberty
12/26/18	Brief amici curiae of 84 United States Senators and Members of the United States House of Representatives
12/26/18	Brief amicus curiae of The American Civil Rights Union
12/26/18	Brief amicus curiae of CatholicVote.org Education Fund
12/26/18	Brief amicus curiae of Kamal S. Kalsi
12/26/18	Brief amicus curiae of The Islam and Religious Freedom Action Team of the Religious Freedom Institute
12/26/18	Brief amici curiae of Various Professors
12/26/18	Brief amicus curiae of Military Order of the Purple Heart
12/26/18	Brief amici curiae of Maryland Elected Officials and Prince George's County
12/26/18	Brief amici curia of Professors Walter Dellinger and Martin S. Lederman in support of neither party
12/26/18	Brief amici curiae of Veterans in Defense of Liberty, et al.
12/26/18	Brief amicus curiae of United States
12/26/18	Amicus brief of Religious Denominations and Other Religious Institutions
01/09/19	Joint Motion of Petitioners for Enlargement of time for oral argument and for divided argument
01/09/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument
01/22/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument granted
01/22/19	Joint Motion of Petitioners for enlargement of time for oral argument and for divided argument granted
01/23/19	Brief of Respondent American Humanist Association et al. filed
01/30/19	Brief amici curiae of Religious and Civil-Rights Organizations filed
01/30/19	Brief amici curiae of Military Religious Freedom Foundation et al. filed
01/30/19	Brief amici curiae of Jewish War Veterans of the United States of America, Inc. filed
01/30/19	Brief amici curiae of Muslim Advocates filed
01/30/19	Brief amici curiae of Historians and Legal Scholars filed
01/30/19	Amicus brief of Law Professors filed
01/30/19	Amicus brief of Baptist Joint Committee for Religious Liberty et al. filed

01/30/19	Amicus brief of Freedom from Religion Foundation, Center for Inquiry, American Atheists, Inc., Military Association of Atheists and Freethinkers, Secular Coalition of America filed
02/27/19	Oral Argument