



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
April 20, 2022

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair  
Gerald Cichy  
Tina Patterson  
Carol Rubin  
Partap Verma

Prince George's County Commissioners

Peter A. Shapiro, Vice Chair  
Dorothy Bailey  
William Doerner (arrived 10:10 a.m.)  
A. Shuanise Washington

NOT PRESENT

Chair Anderson called the meeting to order at 10:03 a.m.

Chair Anderson welcomed Vice Chair Peter A. Shapiro to his first full Commission meeting.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Executive Director Chiang-Smith noted two late corrections to items 5b and 5d, making minor modifications to the language included in the packet. She also added item 5i (Update to Background Check Standards) to the agenda as a discussion item.

ACTION: Motion of Commissioner Geraldo to approve the amended agenda  
Seconded by Commissioner Rubin  
9 approved the motion (Doerner absent)

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – March 16, 2022

Closed Session – March 16, 2022

ACTION: Motion of Geraldo to approve the minutes  
Seconded by Commissioner Bailey  
7 approved the motion  
Shapiro and Washington abstained, Doerner absent

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Stress Awareness Month
- b) Alcohol Abuse Awareness Month
- c) National Prevention Week May 8-14
- d) Financial Disclosure Reporting Requirements

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

- a) Executive Committee Meeting, April 6, 2022
- b) Employees' Retirement System Board of Trustees Regular Meeting, March 1, 2022

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 22-04 Perpetual Drainage Easement to Prince George's County at Calvert Hills Park, located in College Park, Maryland (Sun)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-04  
Seconded by Commissioner Washington  
9 approved the motion (Doerner abstained)

- b) Resolution 22-05 Bowie-Mitchellville and Vicinity Plan (Lester/Rowe)

No discussion

ACTION: Motion of Commissioner Washington to adopt Resolution 22-05  
Seconded by Commissioner Geraldo  
10 approved the motion

- c) Resolution 22-06 Acknowledgement of Appointment of Peter Shapiro to the Employees' Retirement System Board of Trustees (Rose)

No discussion

ACTION: Motion of Commissioner Washington to adopt Resolution 22-06  
Seconded by Commissioner Bailey  
9 approved the motion  
Shapiro Abstained  
Commissioner Rubin noted, for the purpose of conflict disclosure, that as an M-NCPPC retiree, she is a member of the Employees' Retirement System.

- d) Resolution 22-07 Acknowledgement of Appointment of Theodore Russell III to the Employees' Retirement System Board of Trustees (Rose)

No discussion

ACTION: Motion of Commissioner Bailey to adopt Resolution 22-07  
Seconded by Commissioner Geraldo  
10 approved the motion  
Commissioner Rubin made the same disclosure as done for Resolution 22-06.

- e) Reallocation of FY22 Salary Lapse: Legal Department (Borden)

No discussion

ACTION: Motion of Commissioner Geraldo to approve the reallocation  
Seconded by Commissioner Doerner  
10 approved the motion

f) Amendments to Practice 1-30 Organization and Function of the Office of the Secretary-Treasurer and Department of Finance (Chiang-Smith/Beckham/Abebe)

No discussion

ACTION: Motion of Commissioner Geraldo to approve the amendments

Seconded by Commissioner Bailey

10 approved the motion

g) Sign-on and Referral Bonus Programs (Chiang-Smith)

Executive Director Chiang Smith introduced Acting CPMO Director Beckham to brief Commissioners on updates to and a temporary expansion of the employment referral and sign on bonus programs (Administrative Procedures 08-01 and 08-02) recently approved by the Executive Director. The programs are designed to aid with filling positions that are designated as “hard-to-fill” by providing cash bonuses for referrals and sign-on. On the account of the many vacancies in the agency, all vacant positions will be designated as “hard-to-fill” through the end of the calendar year. Additionally, the programs are expanding to include Seasonal/Intermittent positions.

Mr. Beckham reviewed the referral bonus amounts to help recruit for both Seasonal/Intermittent and Merit positions; and the maximum sign-on bonuses for both Seasonal/Intermittent positions and the range of sign-on bonuses for Merit System employees (which are dependent upon starting salary). He also discussed repayment of the sign-on bonus for those Merit employees who do not remain in their position for two years, noting that Merit employees will need to repay a pro-rated amount of their bonus, based on the amount of time spent in their position until the time of separation. Seasonal/Intermittent employees would not receive their sign-on bonus until completing at least 30 days of employment with the agency.

Commissioner Geraldo asked how the referral bonus works with the online application system. Acting CPMO Director Beckham replied the referral bonus has a form that is signed by the employee and candidate that may be filled out electronically after the person is hired.

Commissioner Geraldo asked if the M-NCPPC has a policy on hiring immigrants with a work permit. CHR Director Spencer confirmed anyone with a work permit would be eligible to be hired. Commissioner Geraldo asked if there were requirements for speaking English. CHR Director Spencer replied that the Departments employ staff who can translate for non-English speakers. He added the agency’s parks systems have employees who are not proficient with English but are learning and working with bilingual staff. Commissioner Geraldo asked if the agency provides any program to provide English as a Second Language (ESL) classes. CHR Director Spencer confirmed the agency holds English proficiency classes. Commissioner Rubin suggested that new hires who have limited English proficiency should actively be encouraged to take the M-NCPPC-sponsored ESL classes. CHR Spencer verified they can be informed during orientation.

Commissioner Doerner noted this program is not only for non-native speakers, but for anyone who wants to participate to gain a better language/literacy proficiency. He said the program

has helped employees perform better, express themselves better, and has often led to promotions. He added work environments also improve with supervisors who are learning Spanish as well. Commissioner Doerner said he is always pleased to attend the graduation ceremony event for the Language Proficiency Program. He added the sign-on and referral bonus programs do not specifically mention any of the agency's diversity goals and suggested if a candidate might improve the agency's diversity, or provide better equity or inclusion (DEI), hiring them would be consistent with our diversity goals. He suggested adding language on the Commission's DEI goals as criteria in the procedures' descriptions. Executive Director Chiang-Smith said the team will make those amendments.

Commissioner Doerner asked if the agency has a retention bonus program for M-NCPPC employees who may be looking for employment elsewhere. Executive Director Chiang-Smith said the agency does have a separate retention bonus program. She added data from the past 5 years indicate the M-NCPPC's retention rates of 5-7 percent turnover are far less than the local and national average, and less than half the rate of other government agencies. Regardless, Directors do have leeway to offer retention bonuses. She also noted the Department of Human Resources and Management is hiring a Diversity, Equity, and Inclusion specialist, along with a training manager who will be running these programs. These bonus programs can be added as DEI performance measures, as soon as these new positions are hired and settled in.

- h) 2<sup>nd</sup> Quarter Report of Budget Transfers (Kroll) (for information only)
- i) Update to Background Check Standards (Anderson/Chiang-Smith/Spencer) (new item)  
Corporate HR Director Spencer shared history on the agency's background check procedures, which governs candidates' employment eligibility with the agency. The recruitment office currently conducts two background checks – the National Criminal Background Check System and the Maryland Criminal Justice Information System (CJIS). Individuals who work directly with children are precluded from being hired if they have been charged with or convicted of a variety of different crimes. Currently, all employees and volunteers are subject to the checks, since as an operator of childcare facilities, the agency considered all of its employees to have possible contact with children.

The state Department of Education which oversees state childcare and licensing programs recently advised the agency's application of this standard to all M-NCPPC positions is overreaching and the agency should not be eliminating potential employees who are not in direct contact with children. After consulting with Department Heads, Human Resources is developing new standards to consider in hiring returning citizens who have served their time and wish to re-join the workforce, and who will not have access to or contact with children. Across-the-board exceptions will remain that will preclude any candidate from employment with the M-NCPPC. These include, for example, if a person was convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree murder; a 1<sup>st</sup> or 2<sup>nd</sup> degree sexual offense; or child pornography. All other convictions would be reviewed by a committee, consisting of representatives from both counties, legal and the Corporate HR Director to consider each case individually and make a recommendation to the Department Head on whether to move forward with a selection.

Executive Director Chiang-Smith noted those positions which do continue to have direct contact with children (e.g., childcare providers, lifeguards/swim instructors, summer camp counselors), will still be subject to and the childcare restrictions.

CHR Director Spencer said the M-NCPPC is committed to community investment, to provide the best services and a healthy environment. Precluding employment and not giving second chances (1) not only does not support that environment, but (2) can increase crime. The agency is working with the state Department of Labor to see how we can be better partners with returning citizens and the people in the communities we serve.

Commissioner Rubin asked if the M-NCPPC recruitment staff can work directly with county departments of corrections to be more proactive with the initiative, perhaps linking it with a longer (M-NCPPC employment) probationary period. She said this would not only help with our own recruitment issues but give hope for the future for people who have served their time. She suggested giving incarcerated people training to assist them with gaining employment when they return. Executive Director Chiang-Smith said she recently met with the Maryland Assistant Secretary of Workforce Development, who said they do have those training programs for people who are still incarcerated. M-NCPPC staff have reached out to partner with them to provide placement information and to send our recruiters to their job fairs. The next step would be communicating the skills the M-NCPPC is looking for, which may better inform these state and county training programs to help returning citizens be better eligible for post-incarceration employment.

Commissioner Washington advised that the review committee consider developing defined criteria for mitigating circumstances or waivers, to avoid arbitrary decisions and unintended legal consequences. CHR Director Spencer confirmed the committee will record and document the criteria/reasons why a person is passed through or not passed through for each case, to provide consistency.

Commissioner Geraldo suggested CHR Director Spencer may wish to speak with Prince George's County State's Attorney Aisha Braveboy, who has a program to assist people who are moving out of the correctional system. He then asked what the agency's policy is regarding people who have medical marijuana cards. Chair Anderson noted this is an extremely complicated issue has concerned him for a couple of years. He cited as an example, responsible and private cannabis use (which is legal in Maryland) among employees who are required to have their Commercial Driver's License (CDL). Since the CDL program is regulated by the Federal Department of Transportation, this raises an issue with drug testing because cannabis use remains a federal offense. He said he is urging members of the general assembly about making a safe harbor for employers to do not want to terminate or discipline employees who test positive for cannabis use. He said the agency should be aware and ahead of the issue by preparing for issues with recreational and medical cannabis use.

Vice Chair Shapiro noted the Prince George's County program, Pathways to Success, and suggested CHR Director Spencer reach out to discuss partnering with them.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (March 2022) (For information only)

Secretary-Treasurer's Report

No report scheduled

General Counsel's Report

- b) Litigation Report (For information only)

- c) Legislative Update (Gardner/Borden)

No report. Deputy General Counsel Borden said General Counsel Gardner will provide a Legislative Update during the May Commission meeting.

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) (9) and (15) a closed session is proposed on the following topics. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing litigation and collective bargaining negotiations.*

Chair Anderson read the applicable provisions of the Open Meetings Act and asked for a motion to move to closed session. Commissioner Geraldo moved; Commissioner Rubin seconded. Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:53 a.m. The meeting reconvened in a separate virtual meeting platform to discuss The Executive Director's collective bargaining update.

ACTION: Geraldo moved to start closed session  
Rubin seconded  
10 approved the motion

The following individuals were present (via videoconference):

Montgomery County Commissioners

Casey Anderson, Chair  
Gerald Cichy  
Tina Patterson  
Carol Rubin  
Partap Verma

Prince George's County Commissioners

Peter A. Shapiro, Vice Chair  
Dorothy Bailey  
William Doerner  
Manuel Geraldo  
A. Shuanise Washington

Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director  
Gavin Cohen, Secretary-Treasurer  
Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner  
Andree Checkley, Director, Prince George's Planning  
Mike Riley, Director, Montgomery Parks  
Bill Tyler, Director, Prince George's Parks and Recreation  
Gwen Wright, Director, Montgomery County Planning  
James Adams, Senior Technical Writer  
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
Gary Burnett, Acting Deputy Director, Montgomery Parks  
Mazen Chilet, Chief Information Officer  
Christian Gabriel, Deputy Director, Prince George's Parks and Recreation  
Suzann King, Deputy Director, Prince George's Planning  
John Kroll, Corporate Budget Director

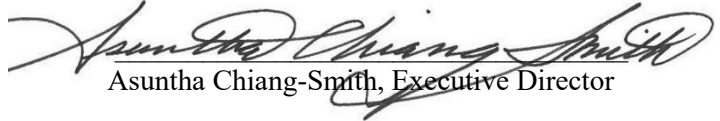
Robert Kronenberg, Deputy Director, Montgomery Parks  
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation  
William Spencer, Corporate Human Resources Director

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 11:09 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director