

6/5/03

## EMPLOYMENT AGREEMENT

This Employment Agreement is entered into between Montgomery County, Maryland (County), and Charles A. Moose (Employee).

The County and Employee agree as follows:

### I. Duties

The County employs Charles A. Moose as the Chief of Police for the Montgomery County Department of Police. The Employee will perform the functions and duties of the Chief of Police as specified in law, including Section 2-43 and Chapter 35 of the Montgomery County Code. Employee will perform such other legally permissible duties and functions as the Chief Administrative Officer may, from time to time, assign to Employee. In accordance with Montgomery County Charter Section 211, Employee will perform the duties of Chief of Police under the supervision of the Chief Administrative Officer and subject to the direction of the County Executive.

### II. Salary

The County will pay Employee for services rendered an annual salary of \$125,000. Six months following Employee's date of employment, Employee's annual salary will be adjusted to \$130,000. Thereafter, Employee's salary will be adjusted in accordance with the Senior Management Team Performance Review and Compensation Policy. The County may amend this policy from time to time. See attached memorandum dated June 2, 1997, from the Chief Administrative Officer regarding compensation for appointed department heads.

Employee is eligible to participate in the County's employee medical, dental, life insurance, vision and long-term disability plans. The County may amend these plans from time to time.

Employee will be entitled to leave on the same basis as leave is granted to appointed department heads hired on or after October 1, 1994. The County may amend this leave policy from time to time. See attached memorandum dated December 14, 1998, from the Director of the Office of Human Resources regarding leave accrual for appointed/agency heads hired after October 1994.

### III. Termination and Severance Pay

In accordance with Montgomery County Charter Section 215, Employee serves at the pleasure of the County Executive. Employee will be entitled to severance benefits in accordance with the County Senior Management Team Performance Review and Compensation Policy. The County may amend this policy from time to time. See attached memorandum dated June 2, 1997, from the Chief Administrative Officer regarding compensation for appointed department

heads.

#### IV. Retirement

Employee will participate in the County's Retirement Savings Plan. Currently under this Plan, the County will contribute 10% of Employee's salary to the Plan. Employee will contribute 3% of Employee's salary (6% for earnings in excess of the Social Security Wage Base).

#### V. Residency and Moving Expenses

Employee will be expected to establish residency in Montgomery County within a reasonable time after the start of employment. The County will pay for or reimburse Employee for the cost of packing and moving Employee's household goods from Oregon to Montgomery County. The County will pay for a reasonable number of trips for Employee and Employee's spouse to travel to Montgomery County to locate housing and for related relocation purposes. The County will pay for temporary living quarters for Employee and Employee's spouse up to six months from the date of employment at an amount not to exceed \$2,500 per month.

#### VI. Automobile

The County will provide Employee with a County-owned, maintained, and properly equipped vehicle for Employee's use at all times, including take-home privileges and limited personal use in accordance with County policy regarding personal use of County vehicles.

#### VII. Outside Employment

The Chief Administrative Officer will approve the Employee's request to engage in outside employment such as teaching, training, speaking engagements, and other consulting activities, if the outside employment activity is consistent with the proper discharge of Employee's duties as the Chief of Police. Employee understands that in accordance with the Montgomery County Public Ethics Law, Employee will need to obtain the consent of the Montgomery County Ethics Commission before engaging in outside employment.

#### VIII. Professional Development

Because the County Executive supports training and professional development for its senior managers, the County Executive will recommend in the County Executive's budget, funds to pay for dues, fees, and conference registrations so that Employee may participate in activities of professional associations appropriate for Employee's position as Chief of Police.

IX. Employment Date

Employee's employment will commence on August 1, 1999.

X. Other Terms of Employment

Employee will be subject to other terms and conditions of employment that may apply from time to time to heads of departments and principal offices in the Executive Branch of the Montgomery County Government. Employee will be entitled to receive the same benefits as are accorded other department heads.

MONTGOMERY COUNTY, MARYLAND

Charles A. Moore  
Employee

By: Douglas M. Duncan  
Douglas M. Duncan  
County Executive

Date: 7-6-99

Date: 7-6-99

MPH:tjs  
I:\GJ\HANSEM\police=0=employment agreement.wpd

FEATURES OF THE APPOINTED DEPARTMENT HEADS  
COMPENSATION SYSTEM:

1. SALARY RANGES

Effective July 1, 1997, appointed department heads under the direction of the County Executive will no longer be assigned pay grades on the general salary schedule. For FY98 the salary range for appointed department heads is \$65,000 - \$115,000.

On appointment, department head salaries will continue to be negotiated. Compensation will be based on the scope of the department and job performance.

2. PAY FOR PERFORMANCE

The current practice of awarding general pay adjustments (cost-of-living adjustments) and service increments to appointed department heads will be discontinued. Beginning in FY98 (July 97) appointed department heads will be eligible for a single annual pay adjustment based on job performance. The total amount of performance increase funding available will be set each fiscal year based on the County's fiscal situation. Appointed department heads will be eligible to receive increases from that fund, based on the individual's performance. The annual compensation increase can be in the form of either an increase to base salary or lump sum payment, or a combination of both. The determination of the amount of the increase and how much to allocate to each component is left to the County Executive/Chief Administrative Officer. Any increases to base salary will be effective the beginning of the first full pay period of the new fiscal year.

3. BENEFITS - MEDICAL INSURANCE AND RETIREMENT

Appointed department heads may continue to participate in the employees' health/medical plans and retirement plans that they are currently eligible for based on their hire date.

4. RECORDING TIME WORKED - TIME SHEETS

Appointed department heads will be required to account for their time in sufficient detail to satisfy requirements for leave usage when they are absent for an entire work day.

5. LEAVE ACCRUAL

APPOINTED DEPARTMENT HEADS HIRED ON OR AFTER OCTOBER 1, 1994

- Effective January 4, 1998 (beginning of the leave year) and each leave year thereafter, appointed officials hired on or after October 1, 1994 will be credited with 280 hours of Paid Time Off (PTO).
- Employees granted PTO will not earn annual leave and sick leave on a bi-weekly basis.

C3

- Credited leave will be prorated if an individual is hired during the calendar year or is in a part-time status.
- Effective at the beginning of the 1998 leave year an appointed department head's existing annual and sick leave balances will be converted to Paid Time Off.
- Beginning in January 1998, the maximum number of hours of annual leave that can be carried over from the 1997 leave year to the next leave year will be 320 hours. In future leave years the 320 carryover limit shall apply to PTO.

#### APPOINTED DEPARTMENT HEADS HIRED BEFORE OCTOBER 1, 1994

Appointed department heads hired before October 1, 1994 will continue to earn annual and sick leave on a bi-weekly basis, however, beginning in January 1998 the maximum number of hours of annual leave that can be carried over from the 1997 leave year to the next leave year will be 320 hours.

#### 6. SEVERANCE BENEFITS

Because appointed department heads do not have the same job protections as merit employees, a predetermined severance package is provided to appointed department heads. The following will be provided to an appointed department head who is separated from service by an administrative action other than dismissal for cause:

- Employees will be eligible for up to 16 weeks of severance leave. The exact amount will be determined by the County Executive on a case-by-case basis.

#### GENERAL GUIDELINES

<u>Length of Service</u>	<u>Severance</u>
Less than 2 years of service	Maximum of 8 Weeks
2 to 3 years of service	Maximum of 12 Weeks
3 or more years of service	Maximum of 16 Weeks

- Employees hired on or after October 1, 1994 and covered by the Retirement Saving Plan are eligible to receive additional severance pay as provided for by that plan. Employees hired prior to October 1, 1994 and in the Employees' Retirement System are eligible for retirement benefits as provided for by that plan, if eligible.
- Employees will be paid for unused annual/PTO leave upon separation.
- Employees will be permitted to continue their medical/health insurance with the same employer/employee contribution rates until the employee finds other employment which provides medical/health insurance or six months have passed, whichever comes first. After six months the individual will be able to continue medical insurance as provided under COBRA.

NOTE: An individual who voluntarily leaves County service is NOT eligible to receive any severance benefits, but is eligible to be paid off for unused annual/PTO leave.

C4