



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

November 2, 2022

The Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Peter Shapiro, Vice-Chair Jeff Zyontz and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Debra Borden, General Counsel
- Gavin Cohen, Secretary-Treasurer
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Tanya Stern, Acting Director, Montgomery County Planning (MCPL)

Presenters/Staff

- James Adams, Senior Technical Writer
- Mazen Chilet, Chief Information Officer
- Tracey Harvin, Corporate Policy and Management Operations (CPMO) Director
- Cynthia Henderson, Benefits Specialist
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resources (CHR) Director

For Item 3a

- Jordan BaucumColbert, Public Affairs Specialist
- Donna Calcote, Principal Counsel
- Kevin Davey, Archives Manager, CPMO
- Michael Doaks, Policy Analyst, CPMO
- Neil Murphy, Associate General Counsel
- Emily Vaias, Principal Counsel

For Item 3b

- Jennifer McDonald, Benefits Specialist

For Item 3e

- David Warner, Principal Counsel

Executive Director Chiang-Smith opened the meeting at 10:02 am.

**ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA**

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| Discussion | <p>Executive Director Chiang-Smith added the following items to the Executive Committee agenda:</p> <ul style="list-style-type: none"> <li>• Item 3f. FY24 Budget Discussion (Chiang-Smith)</li> <li>• Item 3g. Executive Committee Practice Repeal Recommendations (Borden)</li> <li>• Item 3h. Hiring Bonus Extension (Chiang-Smith)</li> </ul> <p>Vice-Chair Zyontz added the following discussion item:</p> |
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|   | <ul style="list-style-type: none"> <li>Item 3i. Extending time for the Booster policy</li> </ul> <p>Executive Director Chiang-Smith also moved item 3d to the end of the presentation section.</p> |
| ACTION  | Executive Director Chiang-Smith asked for a motion to approve items 1a, 1b and 1c, with amendments to item 1a as described. Vice Chair Zyontz moved; Chair Shapiro seconded. Approved unanimously. |
| <b>ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for September 2022</b> |  |
| Discussion  | None   |
| ACTION/Follow-up  | See item 1a  |
| <b>ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS</b>          |  |
| Discussion  | None   |
| ACTION/Follow-up  | See item 1a  |

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| <b>ITEM 2 – EXECUTIVE COMMITTEE MEETING MINUTES</b> |   |
| Discussion  | September 7, 2022, Open Session<br>September 7, 2022, Closed Session  |
| ACTION  | Chair Shapiro moved; Executive Director Chiang-Smith seconded. Vice Chair Zyontz abstained. Minutes approved, 2 in favor, one abstention. |

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| <b>ITEM 3 – DISCUSSION/PRESENTATION ITEMS</b> |  |
| Discussion                                    | <p><u>3a. Proposed Administrative Practice 5-81 Maryland Public Information Act (MPIA) Policy and Accompanying Procedures 22-01, MPIA Procedures Manual for Handling Requests for Public Records (Doaks)</u></p> <p>Policy Analyst Doaks asked for the Executive Committee’s adoption of the policies, which the Executive Director would execute. He then presented and reviewed the material in the packet, which describes the proposed policy and procedures, which addresses and carries out the agency’s responsibilities under the Maryland Public Information Act (MPIA). He said the Practice and Procedures were developed by the Policy Office, the Office of the General Counsel, with subject matter expert input from the operating departments, departmental IT divisions, and corporate archives. The drafts were reviewed and supported by Department Heads at their October 25 meeting.</p> <p>The newly proposed Practice and accompanying Procedures manual were needed to address changes to State law and ensure the agency’s process and responses are handled appropriately. The policy identifies and lays out general responsibilities, including the Executive Director, the Archives and Records Retention Administrator, the departmental MPIA, IT and Records Management Coordinators, Records management coordinators, and the workforce overall in maintaining records under their control.</p> <p>Mr. Doaks reviewed the basis for the denial of disclosure for a record, and procedures for communicating that, as well as the State appeals process to overturn the denial of disclosure. He concluded by reviewing a detailed flowchart of the MPIA Review and Response Process.</p> |

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|                  | No questions from the Executive Committee.   |
| ACTION/follow-up | Vice Chair Zyontz moved to adopt, Chair Shapiro second. Approved unanimously.  |
| Discussion       | <p><u>3b. Time to Care Act / Self-Funding or State FMLA Plan (McDonald)</u></p> <p>Benefits Manager McDonald informed the Executive Committee of the recent adoption of the Maryland Time to Care Act which establishes a Paid Family and Medical Leave insurance program providing up to 12 weeks of paid leave to care for oneself or a qualifying family member’s illness. The new policy acts similarly to the Family and Medical Leave Act (FMLA) plan, except it provides paid leave, rather than unpaid leave (during which an employee may use their leave). Ms. McDonald briefed the Committee on the program, which is scheduled to go into effect in January 2025. The Maryland Department of Labor will publish regulations in June 2023, and Employer and Employee contributions into a mandatory insurance fund will begin in October 2023.</p> <p>Any employee who has worked at least 680 hours over a 12-month period would be eligible for this leave, which would capture a portion of the M-NCPPC’s seasonal workforce as well. Ms. McDonald reviewed other details of the plan, including benefit calculations and the variables in the cost share formula that haven’t yet been specified by the Department of Labor.</p> <p>The agency is planning to comply with the new Act and has engaged a consultant to help sort options, which are heavily dependent upon what the Department of Labor dictates in its regulations to be published next year. The two primary options include participating in the state plan, and funding the program through taxes, similar to funding unemployment insurance; versus opting to self-fund a program that will meet or exceed the state regulations.</p> <p>Executive Director Chiang-Smith said this briefing was to provide notice to the Executive Committee because of the fiscal ramifications. The agency will be submitting its FY24 budget prior to the state announcing the regulations for the program, and with changes in state administration, we will not know whether changes may be made to the program from its current form. The employer contribution rate may be anywhere from 25-75% of the cost, so the final fiscal impact will be highly variable. After working with the consultant, the Benefits Office will have a rough working plan developed in the coming months.</p> |
| ACTION/follow-up | Information item only.   |
| Discussion       | <p><u>3c. Leave Carryover Decisions (Harvin/Chiang-Smith)</u></p> <p>CPMO Director Harvin asked for Executive Committee support to request that the Commission extend annual leave carryover limits to the end of 2023. Many employees have accumulated excess annual leave that is beyond the maximum amount an employee is permitted to carry over. Annual leave above this amount is converted to sick leave and may be applied to credited service when calculating retirement service. Since the situation with COVID-19 has made it difficult for many employees to take leave, in 2020 and 2021, employees were permitted to carry over annual leave above their maximum to the following year without that conversion.</p>   |

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|                  | <p>Ms. Harvin asked if the Executive Committee supported another extension of the 2022 leave into 2023. She said the Commission last granted the extension in April 2022, and it is set to expire in 2022. She recommended an extension via resolution to suspend the leave conversion to the end of calendar 2023.</p> <p>Executive Director Chiang-Smith said the Department of Finance would provide a quarterly report to directors identifying employees who are carrying large leave balances to help them plan scheduled leave with their staff throughout the year.</p> <p>Vice Chair Zyontz asked about the limits to annual leave payout upon resignation or termination. General Counsel Borden said while the exact figure is dependent upon the employee’s hiring date but reiterated any annual leave above the maximum cap is shifted to sick leave and not subject to direct payout.</p>  |
| ACTION/follow-up | Vice Chair Zyontz moved; Chair Shapiro seconded. Item will proceed for a final vote at the November Commission Meeting.   |
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| Discussion       | <p><u>3d. September Investment Reports (Cohen) (information item only)</u><br/>No discussion.</p>   |
| ACTION/Follow-up |   |
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| Discussion       | <p><u>3f. FY24 Budget Discussion (Chiang-Smith) (taken out of order)</u></p> <p>Executive Director Chiang-Smith said this item is stemming from concerns Vice Chair Zyontz voiced over the requested number of staff increases in the Central Administrative Services (CAS) Departments. Chair Shapiro noted this staffing increase is reflecting a catch-up of staffing shortages not addressed in prior years and also reflecting support for anticipated programs. Vice Chair Zyontz said he had a measure of disappointment with the lack of communication between departments, since his department heads didn’t have any information to support what was being proposed. He asked for information on the employment increases over time for the operating departments versus increases in CAS. Corporate Budget Director Kroll noted the Departments get to see each other’s budget proposals at the time of presentation to the planning boards.</p> <p>Executive Director Chiang-Smith said the CAS Departments have not been able to add positions incrementally as other Departments have over the past several years. Corporate Budget Director Kroll said he is gathering data on the last 12 years of hiring in the agency to provide a comparison of departmental hiring trends across the agency.</p> <p>Executive Director Chiang-Smith said there are proposed increases in recruitment staff that would directly impact staffing issues the operating departments have asked to be addressed, which Both Acting Director Stern and Director Riley supported. The Department of Human Resources and Management has also been tasked with taking on more programs, such as supplier diversity, which the Prince George’s County Council has asked us to do. These programs affect both counties, but the department requires staff to run them.</p> |

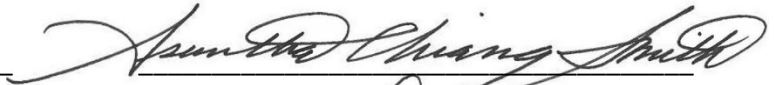
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|                  | <p>Chair Shapiro suggested that he, Vice Chair Zyontz, and Executive Director Chiang-Smith discuss these items outside of committee once they gather and process more information on detailing justification and explanation of the needed positions. Executive Director Chiang-Smith had CPMO Director Harvin share a memo that was sent to the Chairs that addressed many of those questions, which she reviewed.</p> <p>Secretary-Treasurer Cohen and General Counsel Borden both described their requested positions as well.</p>   |
| ACTION/Follow-up | Executive Director Chiang-Smith will schedule a Budget Directors meeting Friday afternoon to brief the Chairs and Directors in greater detail.  |
| Discussion       | <p><u>3g. Executive Committee Practice Repeal Recommendation (Borden)</u></p> <p>General Counsel Borden asked the Executive Committee to consider and recommend a resolution to the full Commission detailing changes to the formal structure of the Executive Committee. The resolution would provide greater flexibility to the Executive Committee while removing the formality as an official body, reflecting it as a more deliberative body to bring it in line with how it is currently functioning. Items formerly delegated to the Executive Committee get delegated to the Executive Director, who will confer with the Chairs and Department Heads in making those decisions.</p> <p>The Resolution would bring a series of recommended repeals, replacements, and revisions to other administrative policies that the Policy Office and Office of the General Counsel would bring for approval.</p> |
| ACTION/Follow-up | Vice Chair Zyontz moved to bring the proposed resolution to the full Commission; Chair Shapiro seconded. Motion passed unanimously.   |
| Discussion       | <p><u>3h. Hiring Bonus Extension (Chiang-Smith)</u></p> <p>Executive Director Chiang-Smith asked the Executive Committee to consider extending the hiring bonuses program into 2023 to continue aiding recruitment efforts. She stressed that hiring managers aren't required to use it, but it is a valuable tool to continue helping address the agency's recruitment needs.</p>  |
| Action/Follow-up | Chair Shapiro moved to extend the hiring bonus program into 2023. Chair Zyontz seconded. Motion passed unanimously.   |
| Discussion       | <p><u>3e. Announcement and Summary of OMCB Opinion 16-44 (Warner/Shapiro) (taken out of order)</u></p> <p>Principal Counsel Warner advised that some of the compliance issues in the Open Meetings Compliance Board (OMCB) Opinion issued earlier this year were required to be acknowledged in the Executive Committee's open session. Chair Shapiro read the summary.</p>   |
| Action/Follow-up | The Chairs and Executive Director will formally acknowledge hearing the opinion.  |
| Discussion       | <p><u>3i. Booster Program Extension</u></p>   |

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|                  | No discussion   |
| Action/Follow-up | Vice Chair Zyontz moved to approve extending the policies that grant administrative leave to those employees who receive their recommended COVID-19 booster shot(s) and leave for employees who suffer adverse effects from the shot. Chair Shapiro seconded. Motion passed unanimously. The Executive Director will issue the extension. |
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Executive Director Chiang-Smith cancelled closed session. With no further business to discuss, the meeting adjourned at 11:28 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director