

~~C.~~ 4. DURING THE PROBATIONARY PERIOD, THE DETERMINATION OF THE EMPLOYEE'S QUALIFICATIONS AND ABILITY TO SERVE IN THE POSITION OF A PERMANENT, NONPROBATIONARY EMPLOYEE SHALL BE WITHIN THE EXCLUSIVE DISCRETION OF THE SHERIFF, SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAWS AND PERSONNEL REGULATIONS.

(3) (i) The Sheriff shall fix the compensation of, and may discharge, the deputy sheriffs, and other employees appointed, subject to budget limitations [and the regulations of the Montgomery County Personnel Board], THE MONTGOMERY COUNTY MERIT SYSTEM LAW, PERSONNEL REGULATIONS, OR APPLICABLE COLLECTIVE BARGAINING AGREEMENT. The Sheriff shall fix the compensation of the assistant sheriffs subject to budget limitations.

(ii) Except for the assistant sheriffs, personnel appointed by the Sheriff shall be considered for all purposes as Montgomery County merit system employees and subject to [all rules and regulations of the Personnel Board of ] THE Montgomery County MERIT SYSTEM LAW AND PERSONNEL REGULATIONS. Assistant sheriffs shall serve at the pleasure of the Sheriff and shall meet the qualifications of the Maryland Police Training Commission standards for law enforcement officers.

(III) 1. NONPROBATIONARY DEPUTY SHERIFFS BELOW THE RANK OF SERGEANT AND NONPROBATIONARY CIVILIAN EMPLOYEES AS DEFINED IN THE MONTGOMERY COUNTY CODE, § 33-102(4), SHALL HAVE THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY IN ACCORDANCE WITH THE MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, WITH REGARD TO COMPENSATION, PENSION FOR ACTIVE EMPLOYEES, FRINGE BENEFITS, HOURS, AND TERMS AND CONDITIONS OF EMPLOYMENT, INCLUDING PERFORMANCE ~~STANDARDS AND~~ EVALUATION PROCEDURES.

2. ~~A.~~ EMPLOYEES, OTHER THAN THE ASSISTANT SHERIFFS, ARE SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL REGULATIONS AND MAY BE EXCLUDED FROM THOSE PROVISIONS ONLY TO THE EXTENT THAT THE APPLICABILITY OF THOSE PROVISIONS IS MADE THE SUBJECT OF COLLECTIVE BARGAINING.

~~B.~~ 3. AS TO THE EMPLOYEES DESCRIBED IN ~~SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH~~ SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE MONTGOMERY COUNTY EXECUTIVE SHALL BE CONSIDERED THE EMPLOYER OF THE EMPLOYEES UNDER THE MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, ONLY FOR THE PURPOSE OF COLLECTIVE BARGAINING FOR COMPENSATION, PENSION, FRINGE BENEFITS, AND HOURS.

~~3.~~ 4. THE SHERIFF SHALL BE CONSIDERED THE EMPLOYER FOR ALL OTHER PURPOSES AND SHALL BE CONSIDERED THE EMPLOYER UNDER THE MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, FOR ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

(IV) ANY REQUIRED FUNDING FOR A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY THE SHERIFF IS SUBJECT TO THE BUDGET AND FISCAL POLICIES OF MONTGOMERY COUNTY.