



Frederick County Public Schools
Board of Education
NON-UNIT EMPLOYEE GROUP
Policy 319

A. Policy Purpose

To outline the general provisions associated with employment by Frederick County Public Schools (FCPS) in a position comprising a class of employees who are not eligible for affiliation with one of the existing collective bargaining units and to establish a common understanding of the terms and conditions of employment that are extended from the Board of Education of Frederick County (Board) as the employer to a non-unit employee.

B. Definitions

1. “Confidential Employee” is defined to mean an individual whose employment responsibilities require knowledge of the public-school employer’s posture in the collective bargaining process.
2. “Managerial Employee” is defined as an individual who is engaged mainly in executive and managerial functions.
3. “Managerial and Executive Functions” are defined as roles that are responsible for executing business and support functions that ensure operational effectiveness.
4. “Non-Unit Employee Group” is defined to include any employee who is not a member of a collective bargaining association and is assigned as a confidential employee for the purposes of serving on, providing information for, or supporting bargaining on behalf of the Board.

C. Policy Statement

The terms and conditions of employment for employees represented by a bargaining unit are reflected in their negotiated agreements. For employees who are not members of an employee association, the Board believes it is important to articulate the terms and conditions of employment for these confidential employees.

D. Implementation

1. **Applicability**
 - a. This policy shall apply to all FCPS employees within the non-unit employee group.
 - b. Positions assigned to the non-unit employee group are those which are exempt from the existing bargaining units due to the nature and function of the required responsibilities assigned to the position.
2. **Conditions of Employment**

- a. **Work Year.** Members of the non-unit employee group will fall within one (1) of three (3) work year categories:
 - i. 244 days, 7 hours per day (1,708 hours per year).
 - ii. 260 days, 7 hours per day (1,820 hours per year).
 - iii. 260 days, 8 hours per day (2,080 hours per year).
 - b. The Superintendent may assign, transfer or reduce in rank or compensation a member of the non-unit employee group.
 - c. Non-unit employee group members are not eligible for the benefits of tenure.
3. **Salary and Compensation**
- a. Non-unit employee group members shall be compensated according to the appropriate salary scale for the individual's position.
 - b. The administration of salary increases and compensation is determined by the Superintendent through the administration of Board budgeted funds. This administration includes the Superintendent's authority to make decisions regarding the inclusion, adjustment, or removal of any pension-eligible salary supplements.
 - c. Compensation approaches and salary supplements or stipends negotiated by the Frederick Association of School Support Employees (FASSE), the Frederick County Teachers Association (FCTA), or the Frederick County Administrative and Supervisory Association (FCASA) are not automatically provided to non-unit employee group members.
 - d. Except where required by the federal Fair Labor Standards Act, members of the non-unit employee group are not eligible for overtime pay or compensatory time for time worked beyond the normal working day.
4. **Benefits**
- a. Except as provided in regulation, all members of the non-unit employee group will receive equivalent insurance benefits and leave as provided to administrative and supervisory employees in the FCASA negotiated agreement.
 - b. Non-unit employee group members shall be entitled to the equivalent education expenses/tuition reimbursement as employees in the FCASA bargaining unit and shall abide by all procedures as indicated in the FCASA negotiated agreement.
5. **Evaluation.** Non-unit employee group members will be evaluated annually.
6. **Personnel Records.** A non-unit employee group member's personnel record shall not be disclosed except when released by the employee or permitted by law.
7. **Discipline and Dismissal.** The Code of Conduct and Disciplinary Actions terms described in [Board Policy 300, Personnel](#), shall apply equally to non-unit employee group.

E. Related Information

- 1. **Board Policy**
 - a. [Policy 300, Personnel](#)
 - b. [Policy 305, Conflicts of Interest and Employee Ethics](#)

2. **FCPS Regulations**

- a. [Regulation 300-01, Recruitment, Selection and Employment of Personnel](#)
- b. [Regulation 301-01, Severance of Employment for Personnel and References](#)

3. **FCPS Resources**

- a. Non-Unit Employee Group Position Titles
- b. [Employee Handbook and Code of Conduct](#)
- c. [FCPS Benefits Website](#)
- d. [FCPS Salary Scales](#)
- e. [FCPS Work Calendars](#)
- f. [Negotiated Labor Agreements](#)

4. **Federal Law**

- a. Fair Labor Standards Act (FLSA)

5. **Maryland Statutes**

- a. [Md. Code Ann., Educ. § 6-501](#)
- b. [Md. Code Ann., Educ. § 6-505](#)

F. Policy History (Maintained by Legal Services)

<i>Responsible Office</i>	Office of Human Resources
Adoption Dates	10/19/92
Review Dates	
Revision Dates	08/13/08, 10/23/13, 09/7/16, 03/08/23, 02/14/24, 06/25/25