

April 27, 2010

Action**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Resolution to extend time for Council to consider collective bargaining agreement

Under the County Employees Labor Relations Laws (Police: County Code §§33-75 through 33-85; County employees: County Code §§33-101 through 33-112; Fire and Rescue employees: County Code §§33-147 through 33-157), the County Council must review any term or condition of each final collective bargaining agreement requiring an appropriation of funds or enactment, repeal, or modification of a county law or regulation. On or before May 1, unless the Council extends this deadline, the Council must indicate by resolution its intention to appropriate funds for or otherwise implement the agreement or its intention not to do so, and state its reasons for any intent to reject any part of an agreement. The Council is not bound by the agreement on those matters over which the Council has final approval. The Council may address contract items individually rather than on an all-or-nothing basis. See County Code §33-80(g); §33-108(g)-(j); §33-153(l)-(p).

If the Council indicates its intention to reject or opts not to fund any item, it must designate a representative to meet with the parties and present the Council's views in their further negotiations. The parties must submit the results of any further negotiations, or impasse procedures if the parties cannot agree on a revised contract, to the Council by May 10 (unless the May 1 date was extended, in which case this deadline is extended by the same number of days).

The agreements before the Council this year are with the Municipal and County Government Employees Organization (County employees bargaining units) and Fraternal Order of Police (police bargaining unit). In addition, there are several items of the existing agreement with the International Association of Fire Fighters (fire and rescue employees) that are before the Council for the appropriation of funds.

County Code §§33-80(h), 33-108(i), and 33-153(o) allow the Council by majority vote to defer to any date not later than May 15 the deadline to indicate its intention regarding the appropriation of funds or other actions to implement these agreements.

The attached resolution would extend the time for Council action on each of these agreements to May 15. This extension would allow the Council to consider these agreements in the context of the overall operating budget. Assuming this resolution is adopted, a Management and Fiscal Policy Committee worksession on these agreements is tentatively scheduled for April 29.

Resolution No. _____
Introduced: April 27, 2010
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President

SUBJECT: Extension of time to consider collective bargaining agreement

Background

1. On April 14, 2010, the County Executive submitted to the Council a memorandum of agreement between the County government and Municipal and County Government Employees Organization to amend the existing collective bargaining agreement between the parties and extending it through June 30, 2011. On April 14, 2010, the County Executive submitted to the Council a memorandum of agreement between the County government and Fraternal Order of Police to amend the existing collective bargaining agreement between the parties and extend it through June 30, 2011. On April 14, 2010, the County Executive submitted to the Council the existing agreement between the County government and the International Association of Fire Fighters, which runs through June 30, 2011. Each memoranda specified the terms and conditions of the collective bargaining agreement amendments that require or may require an appropriation of funds or changes in any County law or regulation.
2. On March 15, 2010, the County Executive recommended in the FY11 operating budget that the general wage adjustment, the pay plan adjustment, and the service increment that was included in the existing collective bargaining agreement between the County government and the International Association of Firefighters, which runs through June 30, 2011, should not be funded in FY11.
3. On March 15, 2010, the County Executive recommended in the FY11 operating budget that the service increment that was included in the collective bargaining agreement between the County government and the Fraternal Order of Police, which runs through June 30, 2011, should not be funded in FY11.
4. Under County Code §§33-108, 33-80, and 33-153, the County Council is required to indicate on or before May 1 its intention regarding the appropriation of funds or any legislation or regulations required to implement these agreements.
5. County Code §§33-108(i), 33-80(h), and 33-153(o) allow the Council by majority vote to defer to any date not later than May 15 the deadline to indicate its intention regarding the appropriation of funds or other actions to implement these agreements.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council defers to May 15, 2010, the deadline to indicate its intention regarding the appropriation of funds or any legislation or regulations required to implement the collective bargaining agreements with Municipal and County Government Employees Organization, Fraternal Order of Police, and International Association of Firefighters.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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