

Resolution No.:	<u>18-1108</u>
Introduced:	<u>April 10, 2018</u>
Adopted:	<u>May 1, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Public Safety Committee

SUBJECT: Memorandum of Agreement with Montgomery County Volunteer Fire and Rescue Association (MCVFRA)

Background

1. County Code Section 21-6 establishes a process for Local Fire and Rescue Departments (LFRD's) to select an authorized representative to represent their interests, and requires the Fire Chief to negotiate in good faith with the authorized representative on certain issues affecting LFRD's and their volunteers.
2. The LFRD's selected the Montgomery County Volunteer Fire and Rescue Association (MCVFRA) to be their authorized representative.
3. On April 2, 2018, the Council received from the County Executive the attached Memorandum of Agreement between Montgomery County Government and Montgomery County Volunteer Fire and Rescue Association for the period from July 1, 2017, until June 30, 2020.
4. Code Section 21-6(p) requires the Executive to submit to the Council any element of an agreement that requires an appropriation of funds, may have a future fiscal impact, is inconsistent with any County law or regulation, or requires the enactment or adoption of any County law or regulation. Section 21-6(q) directs the Council to notify the parties within 60 days if it disapproves an agreement in whole or in or part. The Council may by resolution extend the time for action.
5. The Public Safety Committee reviewed and recommended approval of each of the portions of the Memorandum of Agreement requiring an appropriation of funds for FY19 on April 16.

Action

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

The County Council approves the following provisions of the Agreement for FY2019:

1. 50 gear sets for active volunteers at a cost of \$135,000.
2. Article 12 – Option 1 nominal fee of \$445 and an Option 2 nominal fee of \$675 for active volunteers, effective July 1, 2018.
3. Funding for training up to \$15,000.
4. Volunteer Basic Orientation Course funding for a total of \$21,000.
5. Side letter/MOU – and increase of 1.75% for a total of \$250,651 for MCVFRA operating expenses.

This is a correct copy of Council action.


Megan Davey Limarzi, Esq.
Clerk of the Council

MEMORANDUM OF AGREEMENT
BETWEEN
THE MONTGOMERY COUNTY GOVERNMENT AND THE MONTGOMERY COUNTY VOLUNTEER FIRE
RESCUE ASSOCIATION
JULY 1, 2017 THROUGH JUNE 30, 2020

The Montgomery County Government (County) and the Montgomery County Volunteer Fire Rescue Association (MCVFRA) conducted negotiations for the term July 1, 2017 through June 30, 2020. As a result of those negotiations, the County and MCVFRA agree that the Collective Bargaining Agreement shall be amended according to the terms set forth below.

Please use the key below when reading this document:

<u>Underlining</u>	<i>Added to the existing collective bargaining agreement</i>
[Single boldface brackets]	<i>Deleted from the existing collective bargaining agreement</i>
* * *	<i>Existing language unchanged by the parties</i>

* * *

Article 7

Disciplinary Action Procedures for LFRD Volunteers

* * *

Section 6. Immediate Removal of LFRD Volunteer.

Per Section 21-3(g) of the Montgomery County Code, the Fire Chief may immediately relieve a volunteer from duty and prohibit their presence at any MCFRS premises or activity. The Chief must not take any action involving a volunteer of a local department, except when the Chief finds that immediate action is required to protect the safety of the public or any employee or volunteer, unless the Chief finds that the local department has not satisfactorily resolved the problem in a timely and effective manner. Where the Fire Chief exercises such authority, the Fire Chief or his/her designee shall notify the LFRD President or designee in writing within 24 hours of taking such action and include a reason for the Chief's action.

(a) Administrative Status: Administrative status is a non-punitive status to relieve a member from duty and participation in MCFRS activities, which Fire Chief or designee and/or an LFRD department head or designee may grant when there is an investigation of incidents or charge when immediate removal is necessary.

Section 9. Disciplinary Examinations.

(G). When a LFRD member is the subject of an Internal Affairs investigation, notification will be made to the LFRD highest ranking official.

* * *

Article 12

NOMINAL FEE

An active volunteer as defined in Section 21-21 (a) of the Montgomery County Code shall receive either:

- (1) a nominal fee of: [three hundred (\$300.00) dollars on July 1, 2014, three hundred fifty (\$350.00) dollars on July 1, 2015, and four hundred twenty-five (\$425.00) dollars on July 1, 2016.] four hundred thirty-five (\$435) dollars on July 1, 2017, four hundred forty-five (\$445) dollars on July 1, 2018, and four hundred fifty-five (\$455) dollars on July 1, 2019.

OR

- (2) a nominal fee of: [five hundred (\$500.00) dollars July 1, 2014, six hundred (\$600.00) dollars on July 1, 2015, and six hundred twenty five (\$625.00) dollars on July 1, 2016;] six hundred fifty (\$650) dollars on July 1, 2017, six hundred seventy-five (\$675) dollars on July 1, 2018, and seven hundred (\$700) dollars on July 1, 2019; if the active volunteer:

* * *

Article 14

Duration of Agreement

The term of the agreement will be three (3) years from July 1, [2014] 2017 through June 30, [2017] 2020.

* * *

Article 20

NOTICE AND OPPORTUNITY

* * *

Section Three. 45-day Advance Notice

- (A) The Fire Chief may establish a committee when a policy, procedure, fire chief's general order, or executive regulation requires updating, revision, modification or promulgation.
- (B) If such committee is established, the Fire Chief may invite MCVFRA to appoint a representative(s) to participate on the committee.
- (C) If a representative(s) of the MCVFRA was invited to participate on the committee, the MCVFRA waives the 45-day advanced notice required prior to notice and opportunity, as stated in the Amended Memorandum of Understanding (MOU) Section IV(B), signed by the parties Isiah Leggett, County Executive and Marcine Goodloe, President, on 2/25/13.

* * *

Article 22

VOLUNTEER BASIC ORIENTATION COURSE

Section One. The County agrees to fund the Volunteer Basic Orientation Course \$9,000 on July 1 each year of the agreement. Additional funding not to exceed [~~\$9,000~~] \$12,000 would be available for reimbursement, for a total available funding of [~~\$18,000~~] \$21,000 each year. The funding requests will be submitted to the fire chief and/or designee for reimbursement each quarter with appropriate cost documentation.

* * *

Article 25

LOSAP

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[Section One. The parties agree to begin bargaining on or before June 1, 2015 on length of service modifications. If no agreement is reached by July 31, 2015, the parties shall utilize the impasse procedure as per the Montgomery County Code Section 21-6.]

The parties have agreed during this term of direct bargaining to amend Montgomery County Code 21-21 to provide adjustments to the LOSAP Benefits and the Stand-by Point System associated therewith. See Montgomery County Code 21-21 for the complete revisions. Payment method: All LOSAP payments will be made by direct deposit.

* * *

Side Letter

ASSOCIATION FUNDING AND VEHICLE

Marcine Goodloe
President
MCVFRA

Dear President Goodloe:

The County agrees to transfer [~~\$235,000~~] \$246,340 to the MCVFRA on July 1, [~~2014~~] 2017. On July 1, [~~2015~~] 2018 and July 1, [~~2016~~] 2019, the County agrees to increase the funding to the MCVFRA by [~~1.5%~~] 1.75% each year. The MCVFRA agrees to utilize the funds in the payment of expenses related to the Association's fulfillment of its functions as the LFRD authorized representative. The Association agrees to continue to provide the Fire Chief or his designee with a quarterly accounting detailing the expenditure of said funds.

Additionally, funding for a new Association vehicle will not be paid during the length of this contract.

Sincerely,

[Steve Lohr] Scott Goldstein
Fire Chief
MCFRS

* * *

Side Letter

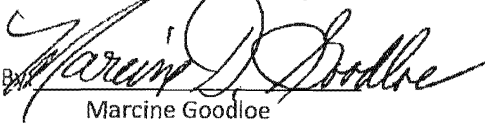
Gear Sets

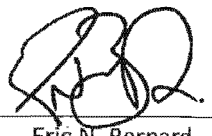
The County agrees to provide 50 gear sets annually of a second set of PPE, to be distributed by mutual agreement between the parties.

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed hereto by their duly authorized officers and representatives this ____ day of March 2017.

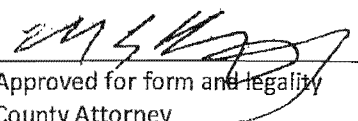
MONTGOMERY COUNTY VOLUNTEER
FIRE RESCUE ASSOCIATION

By: 
Marcine Goodloe
President


Eric N. Bernard
Executive Director

MONTGOMERY COUNTY,
MARYLAND

By: 
Isiah Leggett
County Executive


Approved for form and legality
County Attorney