

Montgomery Council trims employee disability benefits

Legislators question effectiveness of union negotiations

by Erin Cunningham, Staff Writer

The Montgomery County Council took a step Tuesday to rein in spending on retirement benefits for employees injured on the job.

The vote drew opposition from the county's police union, whose leaders think the collective bargaining process has been usurped.

Three years after elected leaders first sought to overhaul the county's disability retirement system, council members said County Executive Isiah Leggett (D) has made no progress in his negotiations with employee unions.

Their message Tuesday: Time is up.

The council approved legislation that compels Leggett to negotiate with employee unions on a tiered disability system that would issue a lesser benefit to employees with lesser injuries. If, after one year, Leggett and county employees have not reached an agreement, a two-tiered disability system will go into effect. If they negotiate a tiered disability benefit plan, it will go to the County Council for a vote.

Currently, all employees except fire and rescue workers receive about 67 percent of their final earnings annually if they retire with any type of disability. The two-tiered plan approved Tuesday would pay employees who retire with the most serious disabilities, which prevent them from working, 70 percent of their annual salaries. A second classification for disabilities that are not fully incapacitating, would issue a benefit of 52.5 percent of their pre-taxed final salary annually.

Seven council members voted in favor of the plan, put forth by Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg. Councilman George L. Leventhal (D-At large) of Takoma Park was opposed, and Councilman Marc Elrich (D-At large) of Takoma Park abstained.

"I voted against the bill because the remedy for the breakdown of collective bargaining is not to abandon it," Leventhal said.

Elrich said he abstained because he agreed with the merits of the bill, but not its attempt to circumvent traditional union negotiations.

Councilman Hans Riemer (D-At large) of Silver Spring said this case demonstrated systemic failures within collective bargaining.

“It appears to me that the bargaining process in this county has become completely nonfunctional,” he said “The process didn’t work at all.”

Leggett spokesman Patrick K. Lacefield said it was the executive who first suggested an overhaul of disability benefits in 2007, but the police union has been unwilling to negotiate over the benefit.

“We’ve said for a couple of years now, we’ll keep trying to bargain, but it’s not going to happen,” he said.

Fraternal Order of Police Lodge No. 35 President Marc Zifcak did not return calls for comment Tuesday.

The county government’s disability payments have been in the spotlight since 2008 when an inspector general’s report found that 60 percent of the police officers who retired that year received such benefits.

Lacefield said he was unsure whether Tuesday’s decision would be enough incentive for the police union to negotiate a disability retirement system. The union did suggest a three-tiered plan in the final hours of deliberations over the fiscal 2012 budget, adopted May 26, but the council said it did not have time to evaluate it.