

# Montgomery County considers giving police chief more power

## Unions resist proposal they claim would weaken collective bargaining

by Erin Cunningham, Staff Writer

Montgomery County police are less efficient and provide a lower level of service to the public because of a requirement that management negotiates many policies and procedures with the officers' union, Chief J. Thomas Manger said.

But the union he negotiates with accused Manger of ineffective leadership, and said it was not to blame for problems within the department.

Amid the squabble, the County Council is considering removing the negotiation requirement, known as effects bargaining. The rule mandates negotiation of workplace decisions, such as transfers, new equipment and other changes, as well as more common issues such as pay, benefits and working conditions. The council discussed the matter during a public hearing Tuesday.

The council also is considering requiring more public access to negotiations for all public unions, which labor leaders think would be detrimental to a fair bargaining process, as elected leaders would engage in political posturing rather than bargain in good faith.

Both proposals are opposed by the three unions representing the county's police, firefighters and general government employees.

A council committee will discuss the proposed legislation Thursday.

What labor leaders described Tuesday as an attack on employees and collective bargaining comes after what Councilman George L. Leventhal (D-At large) of Takoma Park described as the "worst breakdown in collective bargaining" that he's seen in his nine years on the County Council. The council voted to break its contracts with employees this year because they were unaffordable. All three employee unions responded with legal challenges to the county government's ability to alter negotiated agreements.

One of those challenges, from the Fraternal Order of Police Lodge No. 35, is pending. The county prevailed in the others.

The debate over effects bargaining between the union and Manger is indicative of bad blood among the parties, Leventhal said.

“There’s deep mistrust on both sides,” he said. “There’s stubbornness on both sides.”

The FOP, which represents the county’s 1,200 officers, is the only union with effects bargaining, said Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg. Representatives from other unions disagreed with that assertion.

The proposed changes to the county’s collective bargaining laws were part of a report issued in January by a commission seeking to reduce government waste. FOP President Marc Zifcak said the commission was politically motivated.

He told the council and Manger that the department suffered from inept leadership, not issues related to union negotiations. Manger disagreed, saying effects bargaining requires him to negotiate with the union over nearly every decision he makes. He told the council that the process has slowed past decisions about new technology and transfers.

Zifcak denies those claims.

“Indeed, we estimate that about 95 percent of the police department’s business is not subject to bargaining and we have no interest in requiring such bargaining,” he said.