

Montgomery council poised to take up union-bargaining measure

By [Dan Morse](#), Published: July 11

Battles between politicians and public employee unions typically are fought over wages, health care and pensions. In Montgomery County, officials will take up a measure Tuesday aimed at day-to-day duties, such as writing tickets and checking e-mail.

At issue is “effects bargaining,” a process that allows the county’s powerful police union to hold back the most basic of management changes, Montgomery Police Chief J. Thomas Manger said. “It puts all my management rights on the bargaining table,” said Manger, who is scheduled to speak to the council about the matter Tuesday.

Council member Phil Andrews (D-Gaithersburg-Rockville), who, along with Manger, wants to curb the practice, said he knows of no other police department in Maryland that subjects so many work policies to negotiation. “It’s an impediment to a better functioning police department,” said Andrews, who is chairman of the council’s public safety committee.

It is unclear how much support Andrews has garnered. The council traditionally has backed employee unions, but that has diminished over the past year as the county has tried to rein in spending. Last month, the council [voted to overhaul](#) Montgomery’s controversial disability pension program, which has been granted to a large number of retiring officers.

Marc Zifcak, president of the Fraternal Order of Police (FOP) Lodge 35, said in an e-mail that the effects bargaining is well established in labor law but rarely understood by its critics. “Effects bargaining has never had any adverse impact upon our ability to respond to calls for service or to protect the public,” Zifcak wrote.

“Effects bargaining works,” union attorney Martha Handman wrote in a Feb. 16 letter to County Council President Valerie Ervin (D-Silver Spring). “FOP 35 and the county have jointly resolved many issues.”

In preparation for Tuesday’s hearing, council members asked Manger to submit examples of management changes he tried to implement that became the subject of effects bargaining.

Among them was e-mail. While many officers and detectives regularly use e-mail, Manger wanted them to be required to check county e-mail once a day. The union negotiated, and the practice still is not mandatory, Manger wrote. As a result, the department “is still required to provide printed communications with its officers since FOP members are not required to read or maintain an email account with the county.”

Manger also tried to streamline how officers write incident reports. Officers had been writing them on paper report forms, requiring other department employees to type the reports into databases. Manger wanted officers to type the reports into an electronic system — either in their laptops in their cars or at the stations.

The union demanded to negotiate in 2006, Manger said, and an agreement wasn't reached until three years later. "This created record-keeping challenges and additional costs to the police department," the chief wrote.

Union officials have said they supported the report-writing changes. "We did not object to the transition," union leader Walter Bader wrote in a June 8 e-mail, "but needed to ensure that it functioned without losing reports and calling officers' performance into question due to technological glitches."

He added that some officers needed typing training. "Hence, we bargained the effects by proposing that officers be provided typing courses, if needed, before being required to use the new system that requires that skill," he wrote.

Union officials have said the delay in rolling out the new report-writing procedures was caused by glitches in the technology and county officials dragging their feet on negotiating.

Staff writer Michael Laris contributed to this report.