

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION

Tuesday, June 15, 1976 Rockville, Maryland

The County Council for Montgomery County, Maryland, convened in Legislative Session in the Council Hearing Room, County Office Building, Rockville, Maryland, at 10:20 A.M. on Tuesday, June 15, 1976.

PRESENT

Norman L. Christeller, President Esther P. Gelman
John L. Menke, Vice President Neal Potter
Elizabeth L. Scull, President Pro Tem Jane Ann Moore
Dickran Y. Hovsepian

The President in the Chair.

The Journal of June 8, 1976, was approved as amended.

INTRODUCTION OF BILLS:

Re: Introduction of Bill No. 23-76,
Employer-Employee Relations

The Council had before it for consideration Bill No. 23-76, Employer-Employee Relations.

President Christeller read his memorandum to the Council, as follows:

The needs and problems addressed by Bills Nos. 11-76 and 23-76 are significant and compelling. The action taken by the Council will set the pattern for employer-employee relations for the indefinite future. Because these matters are complicated and far-reaching, I believe the Council must devote considerable time and care to the enactment of such legislation.

I am not fully satisfied that the two bills before us provide all of the options the Council should consider, but they are a good beginning. The several points on which the two bills differ provide the Council with a range of concepts within which it can act, such as the following:

1. Bill No. 11-76 seems to me to provide too broad a definition of "management level employees" and "supervisors", while Bill No. 23-76 provides too narrow a definition.
2. Bill No. 11-76 seems to me to exclude too many matters from the agenda of discussions between management and employee group representatives, but Bill No. 23-76 may need tightening up as to such agendas and/or the circumstances of such discussions.
3. Neither bill addresses the fundamental problem of providing a better presentation of salary and benefit recommendations to the Council, including a cost estimate of any employee group proposals.

Because other concepts may become evident as we study these matters and conduct the public hearing on these two bills, there is the possibility that we will find it desirable to introduce amendments or a third bill at a later time. In the interest of careful consideration of these complex issues, I will keep that possibility in mind for the Council calendar.

I am proposing the attached amendment for introduction at this time. It anticipates the need for providing a forum for those employees not permitted to be included in an organized group.

In response to an inquiry by Councilwoman Scull as to the emergency nature of the bill, President Christeller stated that the Council does not have to enact the bill as an emergency, but it was so requested by the Montgomery County Government Employees Organization. The MCGEO is thinking in terms of negotiations related to the preparation of the FY 1978 Operating Budget. He stated that the Council should not preclude the possibility of emergency legislation, but does not have to make a decision at this time.

Upon motion of Councilman Hovsepian, duly seconded and without objection, the Council voted to waive the reading of the title and introduce Bill No. 23-76 by the Council President at the request of the Employees Organization: AN ACT to add a new Chapter 36A, title "Public Employee Relations" to the Montgomery County Code 1972, as amended, to follow immediately after Chapter 36 thereof, to provide for the election and certification of employee organizations for purposes of meeting with County officials concerning conditions of employment, the resolution of grievances, and other matters involving relations between the County and its employees; to provide for the designation of employee units from which such employee organizations are elected and which such organizations represent; to provide for the recognition of such employee organizations by the County; to provide for the preparation of memoranda of understanding by the County and such employee organizations; to provide for procedures for the decertification of employee organizations; to define certain terms; to provide for the Chief Administrative Officer to resolve disputes arising under this Article, subject to review by the Personnel Board; to specify responsibilities of the County and the employee organizations; to provide for the protection of those County employees who choose not to become members of an employee organization; and to provide for the retention of existing personnel laws and regulations and the option of any employee to pursue a grievance through procedures set forth therein.

Re: Introduction of Amendment to Bill No. 11-76, Employer-Employee Relations

Upon motion of Councilman Hovsepian, duly seconded and without objection, the Council introduced the following amendment to Bill No. 11-76, Employer-Employee Relations, as suggested by President Christaller: Add the following language to the end of line 122: , provided, however, that nothing herein shall preclude such employees from meeting together and selecting representatives for conferences with the Chief Administrative Officer or the County Executive.

Re: Introduction of Bill No. 24-76, Road Code Amendments

Upon motion of Councilman Menke, duly seconded and without objection, the Council voted to waive the reading of the title and introduce Bill No. 24-76 by Councilmembers Menke and Scull: AN ACT to amend Chapter 49, title "Streets and Roads", of the Montgomery County Code 1972, as amended, by repealing and re-enacting with amendments Section 49-43, subtitle "Waivers of requirements of article" to add a new subsection (d) to permit the County to waive road code standards and to make temporary road improvements to County public roads upon written order by the County Executive finding that such construction is necessary for safety on a County public road for which no additional right-of-way need be acquired, and to add a new subsection (e) to permit the County Executive to waive road code standards for certain moderate price developments and community development areas, and to amend generally to cure certain technical defects.

Upon motion of Councilman Menke, duly seconded and without objection, the Council introduced the following amendments to Bill No. 24-76:

Amendment No. 1, proposed by Councilman Menke: Add to Section 49-43 (d) (1) the following language: provided that, this requirement for inclusion in most recently approved six-year Capital Improvements Program may be waived by the County Executive upon a written finding that:

- a. such a waiver is in the general public interest;
- b. the road to be improved is less than one mile in length;
- c. existing and projected traffic levels are appropriate to the construction standards proposed;
- d. the road improvements are limited to surface treatments;
- e. the improvement will reduce road maintenance expenses; and

Upon motion of Councilman Hovsepian, duly seconded and without objection, Councilwoman Moore not voting, the Council deleted the comma after the word "staff" on line 30 of the title of the bill, and inserted in lieu thereof a semicolon.

Upon motion of Councilman Hovsepian, duly seconded and without objection, the Council voted to waive the reading of the title and proceed to enactment of Bill No. 4-76. By a yea and nay vote, Councilmembers Hovsepian, Gelman, Menke and Christeller voting in the affirmative, Councilmembers Moore and Scull voting in the negative and Councilman Potter being temporarily absent, Bill No. 4-76 was disapproved by virtue of the fact that five affirmative votes are required for emergency legislation.

Upon motion of Councilman Hovsepian, duly seconded and without objection, the Council voted to reconsider its action on Bill No. 4-76, Health Systems Agency. The Council agreed to consider the bill further when all members of the Council are present.

(The Legislative Session was recessed at 1:30 P.M., and reconvened at 5:30 P.M.)

MISCELLANEOUS BUSINESS:

Bill No. 42-75, Hearing Examiner's Duties and Responsibilities, was enrolled as Chapter 44.

There being no further official business to come before the County Council in Legislative Session, the meeting adjourned at 5:35 P.M., to reconvene at 7:30 P.M. on Thursday, June 17, 1976, or at the call of the President.

ATTEST:



Anna P. Spates, Secretary
of the County Council for
Montgomery County, Maryland