

MEMORANDUM

March 9, 2000

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 10-00, Collective Bargaining - Police - Sergeants

Bill 10-00, Collective Bargaining - Police - Sergeants, sponsored by Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing, is scheduled to be introduced on March 14, 2000. The public hearing is tentatively scheduled for April 4 at 1:30 p.m.

Bill 10-00 would bring police sergeants within the scope of collective bargaining in a separate bargaining unit. The bill is titled and will be advertised broadly so that the Council may consider other changes to the police collective bargaining process.

This packet contains:

Bill 4-00

Legislative Request Report

Circle #

1

5

Bill No. 10-00
Concerning: Collective Bargaining -
Police - Sergeants
Revised: 2-2-00 Draft No. 1
Introduced: March 14, 2000
Expires: September 14, 2001
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing

AN ACT to:

- (1) bring police sergeants within the scope of collective bargaining;
- (2) divide the police collective bargaining unit into two bargaining units; and
- (3) generally amend the law regarding collective bargaining with County police officers.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resource
Sections 33-76 and 33-78

By adding

Chapter 33, Personnel and Human Resource
Section 33-78A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Sections 33-76 and 33-78 are amended, and Section 33-78A is**
2 **added, as follows:**

3 **33-76. Definitions.**

4 When used in this Article:

5 * * *

6 *Certified representative* means an employee organization selected in
7 accordance with [the procedures of] this Chapter to represent [the] a unit.

8 *Employee* means any police officer [in the classification of] classified as a
9 sergeant, master police officer I, master police officer II, police officer I, police
10 officer II, police officer III, [and] or police officer candidate, or an equivalent
11 nonsupervisory classification[s], but not [those] a police officer in [the classification
12 of police sergeant or] any [equivalent or] higher classification.

13 *Employer* means the County Executive and [his] the Executive's designees.

14 * * *

15 *Unit* means [all employees] either of the units defined in Section 33-78A.

16 **33-78. Employee rights.**

17 * * *

18 (b) The employer [shall have the duty to] must extend to the certified
19 representative the exclusive right to represent the employees in that

20 bargaining unit for the purposes of collective bargaining, including the
 21 orderly processing and settlement of grievances as agreed by the parties.

22 (c) A certified representative [shall] must serve as the bargaining agent for
 23 all employees in the unit for which it is certified and [shall have the duty
 24 to] must represent fairly and without discrimination all employees in
 25 that unit without regard to whether the employees are [or are not]
 26 members of the employee organization, [or are paying] pay dues or
 27 other contributions to it, or [participating] participate in its affairs. [;
 28 provided, however, that it shall not be deemed] However, it is not a
 29 violation of this duty for a certified representative to seek enforcement
 30 of an agency shop provision in a valid collective bargaining agreement.

31 * * *

32 **33-78A. Bargaining units.**

33 For purposes of certification and collective bargaining, employees subject to
 34 this Article must be divided into 2 bargaining units, composed of the following
 35 employees:

- 36 (1) sergeants;
- 37 (2) all other covered employees.

38 *Approved:*

39

Michael L. Subin, President, County Council

Date

40 *Approved:*

41

Douglas M. Duncan, County Executive

Date

42 *This is a correct copy of Council action.*

43

Mary A. Edgar, CMC, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 10-00

Collective Bargaining - Police - Sergeants

DESCRIPTION: Adds sergeants to the list of Police Department employees subject to collective bargaining. Creates a second police bargaining unit for sergeants.

PROBLEM: Police sergeants do not have collective bargaining rights, unlike all ranks below them, but also are not treated as upper management.

GOALS AND OBJECTIVES: To give police sergeants full collective bargaining rights, in a separate bargaining unit.

COORDINATION: Police Department, Office of Human Resources

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: Applies only to County Police Department..

PENALTIES: Not applicable

