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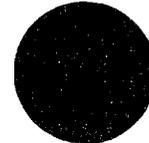
Rec'd 10-00

Montgomery County Lodge 35, Inc. 00 MAR 1 All : 10

February 29, 2000

Honorable Michael Subin
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

030439



Dear Mr. Subin:

We are in receipt of the draft bill to be sponsored by Councilmembers Berlage, Andrews, and Silverman extending collective bargaining rights to police sergeants. Fraternal Order of Police, Lodge 35 appreciates the support of members of the Council in this initiative, and our Supervisors' Committee looks forward to working with you in this regard.

The current draft of the proposed bill would provide for two bargaining units for sworn police officers: the present collective bargaining unit, and a second unit for sergeants. We suggest that the proposed bill be amended to add sergeants to the existing bargaining unit if a majority of all sergeants indicate a desire to be included in the existing collective bargaining unit.

Our suggestion is prompted by the desire that the collective bargaining process avoid needless duplication of effort, and possible contradictory working conditions. Unlike the ranks included in the Department's "executive staff"-lieutenants, captains and majors-almost all of the working conditions for sergeants are identical to those of the officers in lower ranks already part of the existing collective bargaining unit. Separating the sergeants into a second, "mini" bargaining unit requires a second bargaining process, including a separate interest arbitration if the parties are unable to reach a voluntary agreement on a collective bargaining agreement. At present, sergeants generally receive the same working condition adjustments which exist in the FOP collective bargaining agreement. Consequently, we suggest that a separate bargaining unit for this rank will just complicate the bargaining and personnel management process in the Department.

Inclusion of sergeants in the existing bargaining unit will not create any significant "conflict of interest." Disciplinary procedures for police officers are largely outside the parameters of collective bargaining, and are regulated by state law-the Law Enforcement Officers' Bill of Rights (Art. 27, §727, et seq, Md. Anno. Code.) The FOP has for many

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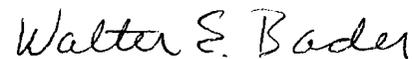
Page Two
Mr. Subin

years provided representation to sergeants in disciplinary proceedings, as well as in merit system grievances regarding working condition issues. Consequently, adding sergeants to the existing bargaining unit will not dramatically change the role of the FOP in representing sergeants. Neither is this suggestion unprecedented. Nearby jurisdictions in which sergeants are included in rank-and-file collective bargaining units include the D.C. Metropolitan Police, Prince George's County, and Frederick City.

Attached is a draft of statutory language which would accomplish our suggestion.

We invite your comments and questions, and will be happy to meet at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Walter E. Bader". The signature is written in a cursive style with a clear, legible font.

Walter E. Bader
President

Attachment
cc: Chief Moose
Kirk Holub



PROPOSED BILL TO ADD POLICE SERGEANTS
TO EXISTING BARGAINING UNIT

33-76 Definitions

Employee means any police officer in the classification of sergeant, master police officer I, master police officer II, police officer I, police officer II, police officer III, and police officer candidate, or an equivalent [nonsupervisory] classification, but not a police officer [those in the classification of police sergeant or any equivalent or] in any higher classification.

Section 33-79 Selection, certification and decertification procedures.

(a) ****

- (7) If, during the period of July 1 to July 31, 2000, a petition is filed by the incumbent representative of unit employees certified under this article, together with evidence, acceptable to the permanent umpire, that a majority of all sergeants employed by the employer as of July 1, 2000, have authorized the incumbent representative to represent them, employees in the rank of sergeant or its equivalent shall thenceforth be included in the collective bargaining unit for all purposes under this article, except that wages, hours, and other terms and conditions of employment for sergeants shall be regulated pursuant to the collectively bargained agreement no sooner than July 1, 2001.

- (e) Voluntary recognition is prohibited under this article, and no certification may be issued without an election except as provided for in subsections 33-79 (a) (6) and (7).

