

BILL 2-07



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

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Douglas M. Duncan
County Executive

MEMORANDUM

November 7, 2006



TO: George L. Leventhal, President, Montgomery County Council

FROM: Douglas M. Duncan, County Executive

SUBJECT: Expedited Bill to Clarify the Term of the Permanent Umpire under the Police Labor Relations Law

Last year, Louis Aronin, who, as Permanent Umpire, had administered the Police Labor Relations Law for many years, passed away in the middle of a 5-year term that was to expire on December 3, 2007. After much discussion, the County and the Fraternal Order of Police (FOP) have finally agreed on an individual to jointly recommend to the County Executive and the Council to succeed Mr. Aronin. The statute, however, is silent concerning whether a new Permanent Umpire must serve the remainder of Mr. Aronin's term or a new 5-year term.

The FOP favors amending the statute to provide that, when a vacancy occurs mid-term in the position of Permanent Umpire, the new Permanent Umpire must serve for the remainder of the predecessor's term. We concur in this approach because it will allow the parties to observe the performance of the new Permanent Umpire without being committed to that individual for 5 more years. Of course, under the law, the new appointee would be eligible for reappointment to a new 5-year term at the completion of the current term that ends in 2007.

The attached expedited bill provides that, if the Permanent Umpire dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve as Permanent Umpire, the County Executive must appoint a new Permanent Umpire to serve out the remainder of the previous appointee's 5-year term.

DMD:cmr

Attachments



2006 NOV -9 AM 11:13

RECEIVED
MONTGOMERY COUNTY
COUNCIL

Expedited Bill No. _____
Concerning: Police Labor Relations –
Permanent Umpire
Revised: _____ Draft No. _____
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) clarify the procedure to be followed when a vacancy occurs mid-term in the position of permanent umpire to administer the Police Labor Relations Law;
- (2) provide for the appointment of a replacement to serve the remainder of the 5-year term; and
- (3) generally amend the law regarding the appointment of the permanent umpire.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37

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:

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY Marc Hammer
DATE 11/3/06

LEGISLATIVE REQUEST REPORT

Expedited Bill -06, *Police Labor Relations – Permanent Umpire*

DESCRIPTION: The requested legislation amends County Code Section 33-37, *Permanent Umpire*, to provide that if a vacancy occurs mid-term in the position of Permanent Umpire, the new Permanent Umpire must be appointed to serve out the remainder of the predecessor's term rather than serve a new 5-year term.

PROBLEM: For many years, Louis Aronin served as the Permanent Umpire under the Police Labor Relations Law. Mr. Aronin passed away last year in the middle of a 5-year term that expires on December 3, 2007. The statute is silent concerning whether a replacement must serve out the remainder of Mr. Aronin's term or serve a new 5-year term. The Fraternal Order of Police (FOP) and the County Executive jointly support legislation requiring that the new Permanent Umpire serve the remainder of the predecessor's term. This will allow the parties to observe the performance of the new Permanent Umpire without being committed to that individual for 5 years.

GOALS AND OBJECTIVES: To clarify the procedure to be followed when a vacancy occurs mid-term in the position of Permanent Umpire to administer the Police Labor Relations Law.

COORDINATION: Office of Human Resources

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: n/a

EVALUATION: n/a

EXPERIENCE ELSEWHERE: n/a

SOURCE OF INFORMATION: Stuart Weisberg, OHR (7-5154)

APPLICATION WITHIN MUNICIPALITIES: n/a

PENALTIES: n/a