Bill No.

10-00

Concerning: Collective Bargaining

Police - Sergeants

Revised: 6-6-00

Draft No. 6

Introduced:

March 14, 2000 June 6. 2000

Enacted: Executive:

Time 19 2000

Effective:

September 18, 2000

Sunset Date: None

Ch. <u>16</u>, Laws of Mont. Co. <u>2000</u>

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

bring police sergeants within the scope of collective bargaining; **(1)**

divide the police collective bargaining unit into two bargaining units;]] [[and]] [[(2)

limit the scone of collective hargaining for members of the nolice sergeants [(3)]hargaining unit:]] and

[(4)] (2) 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, and 33-80

[By adding

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

Boldface

Heading or defined term.

Underlining

Added to existing law by original bill.

[Single boldface brackets]

Deleted from existing law by original bill.

Double underlining

Added by amendment.

[[Double boldface brackets]]

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

1	Sec. 1. Sections 33-76, [[and]] 33-78, and 33-80 are amended[[, and			
2	Section 33-78A is 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. [[Employee does not			
13	include a sergeant whose primary duties involve human resources, internal affairs			
14	legal matters. labor relations, or policy development and compliance.]]			
15	Employer means the County Executive and [his] the Executive's designees.			
16	* * *			
17	Unit means [all employees] [[either of the units defined in Section 33-78A]] all			
18	emplovees.			
19	33-78. Employee rights.			
20	* * *			

21	(b)	The employer [shall have the duty to] must extend to the certified
22		representative the exclusive right to represent the employees [[in that
23		bargaining unit]] for the purposes of collective bargaining, including the
24		orderly processing and settlement of grievances as agreed by the parties
25	(c)	A certified representative [shall] must serve as the bargaining agent for
26		all employees [[in the unit for which it is certified]] and [shall have the
27		duty to] must represent fairly and without discrimination all employees
28		[[in that unit]] without regard to whether the employees are [or are not]
29		members of the employee organization, [or are paying] pay dues or
30		other contributions to it, or [participating] participate in its affairs. [;
31		provided, however, that it shall not be deemed] However. it is not a
32		violation of this duty for a certified representative to seek enforcement
33		of an agency shop provision in a valid collective bargaining agreement.
34		* * *
35	[[33-78A.	Bargaining units.]]
36	[<u>[For</u>	purposes of certification and collective bargaining. employees subject to
37	this Article	must be divided into 2 bargaining units, composed of the following
38	emplovees:	
39	(1)	sergeants:

all other covered employees.]]

<u>(2)</u>

40

41	33-80.	Collective Bargaining.
42	(a)	Duty to bargain; matters subject to bargaining. [[Upon certification
43		of an]] A certified employee organization[[, as provided in section 33-
44		79,]] and the employer [[and the said certified representative shall have
45		the duty, through their designees, to]] must bargain collectively [[with
46		respect to those]] on the following subjects [[as follows]]:
47		* * * *
48	•	(7) The effect on employees of the employer's exercise of rights
49		[[enumerated]] <u>listed</u> in subsection (b) [[hereof]][[. but this
50		naragraph does not apply to the bargaining unit composed of
51		sergeants]].
52		* * *
53	Approved:	
54	1.6	with Signature (1/2/20) Thin, President, County Council (Date
55	Michael L. St Approved:	bin, President, County Council / Date
33	<i>Арргоче</i> а.	
56	Done	200 MD 19, 2000
		Suncan, County Executive Date
57	This is a corr	ect copy of Council action.
58	(M	Edans 19.2000
20		ar, CMC, Clerk of the Council Date
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