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) limit the scope of collective bargaining for members of the police sergeants bargaining unit;
and
(4) 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, 33-78, and 33-80

By adding

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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 33-76, [and] 33-78, and 33-80 are amended[, and
Section 33-78A is added[,] as follows:

33-76. Definitions.

When used in this Article:

* * *

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

Employee means any police officer [in the classification of] classified as a sergeant, master police officer I, master police officer II, police officer I, police officer II, police officer III, [and] or police officer candidate, or an equivalent nonsupervisory classification[s], but not [those] a police officer in [the classification of police sergeant or] any [equivalent or] higher classification. [[Employee does not include a sergeant whose primary duties involve human resources, internal affairs, legal matters, labor relations, or policy development and compliance.]]

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

* * *

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

33-78. Employee rights.

* * *
The employer [shall have the duty to] **must** extend to the certified representative the exclusive right to represent the employees [[in that bargaining unit]] for the purposes of collective bargaining, including the orderly processing and settlement of grievances as agreed by the parties.

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

*[33-78A. Bargaining units.]]

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

(1) sergeants;

(2) all other covered employees.]]
Collective Bargaining.

(a) Duty to bargain; matters subject to bargaining. [Upon certification of an] A certified employee organization[, as provided in section 33-79,] and the employer [and the said certified representative shall have the duty, through their designees, to] must bargain collectively [with respect to those] on the following subjects [as follows]:

* * *

(7) The effect on employees of the employer's exercise of rights [enumerated] listed in subsection (b) [hereof][, but this paragraph does not apply to the bargaining unit composed of sergeants].

* * *

Approved:

Michael L. Subin, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary K. Edgar, Clerk of the Council