AN EXPEDITED ACT to:

(1) clarify the procedure to be followed when a vacancy occurs in the position of permanent umpire or Labor Relations Administrator to administer the [[Police Labor Relations Law]] County’s collective bargaining laws;

(2) provide for the appointment of a replacement to serve the remainder of the umpire’s or Administrator’s term; and

(3) generally amend the collective bargaining law regarding the appointment of permanent umpires and Labor Relations Administrators.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37, 33-103, and 33-149

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [[Section]] Sections 33-77, 33-103, and 33-149 [[is]] are amended as follows:

33-77. Permanent umpire.

* * *

(b) The permanent umpire [shall] must be appointed by the County Executive, [with the] subject to confirmation [of] by the County Council, [shall] serve for a term of [five (5)] 5 years, and [shall be eligible for reappointment; provided, however, that the] may be reappointed to another 5-year term. The permanent umpire [shall] must not be reappointed if, during the period between [sixty (60)] 60 days and [thirty (30)] 30 days prior to the expiration of his] before the umpire’s term expires, the certified representative files a written objection to [such] the umpire’s reappointment with the County Executive.

(c) If the permanent umpire dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new permanent umpire, subject to confirmation by the Council, to serve [[out]] the remainder of the previous umpire’s term. The umpire appointed under this subsection may be reappointed under subsection (b).

(d) The permanent umpire [shall] must be a person with experience as a neutral in the field of labor relations and [shall] must not be a person who, [on account] because of vocation, employment, or affiliation, can be [classed] categorized as a representative of the interests of the employer or any employee organization.

((c) (e) The permanent umpire [shall] must be paid a [[per diem]] daily fee as [set forth by] specified in a contract with the County, and [shall]
must be reimbursed for necessary expenses incurred in performing the duties of umpire.

**Labor Relations Administrator.**

* * *

(b) (1) The [[labor relations administrator]] Administrator must be a person with experience as a neutral in the field of labor relations, and must not be a person who, [[on account]] because of vocation, employment, or affiliation, can be [[classed]] categorized as a representative of the interest of the employer or any employee organization.

(2) [[The first labor relations administrator is appointed by the county executive, with the confirmation of the county council, serves for a term of four (4) years, and is eligible for reappointment.]]

[(3) After the initial term of office of the labor relations administrator provided in subsection (b)(2), the county executive shall thereafter]] The County Executive must appoint, subject to confirmation by the County Council, the [[labor relations administrator]] Administrator for a term of [[five (5)]] 5 years from a list of [[five (5)]] 5 nominees agreed upon by any certified representative(s) and the [[chief administrative officer, which]] Chief Administrative Officer. The list may include the incumbent [[labor relations administrator]] Administrator. [[Such appointment must be confirmed by the county council.]] If the [[county]] Council does not confirm the appointment, the new appointment [[shall]] must be from a new agreed list of [[five (5)]] 5 nominees. [[Should there be]] If no
certified representative has been selected, the labor relations administrator shall] Administrator must be appointed [under the procedure and for the term set forth in subsection (b)(2)] for a 4-year term by the Executive, subject to Council confirmation.

(c) If the Administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new Administrator, subject to Council confirmation, to serve the remainder of the previous Administrator’s term. The Administrator appointed under this subsection may be reappointed as provided in subsection (b).

[(c)] (d) The Administrator[[will]] must be paid a daily fee as [set forth by] specified in a contract with the County, and [[will]] must be reimbursed for necessary expenses incurred in performing the duties of Administrator.

33-149. Labor Relations Administrator.

* * *

(b) The Administrator must be a person with experience as a neutral in labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interest of the employer or any employee organization.

(c) The County Executive must appoint the Administrator, subject to confirmation by the County Council, from a list of 5 nominees agreed on by the certified representative and the Chief Administrative Officer. [[The County Council must confirm the appointment.]] If there is no certified representative, the [[County]]
Executive must appoint an Administrator, [[with the]] subject to confirmation [[of]] by the [[County]] Council. If the [[County]] Council does not confirm an appointment, the [[County]] Executive must appoint another person from a new agreed list of 5 nominees and submit that appointee to the [[County]] Council for confirmation. The Administrator serves a term of 5 years. An incumbent Administrator is automatically reappointed for another 5-year term, subject to Council confirmation, unless, during the period between 60 and 30 days before the term expires, the certified representative notifies the [[employer]] Chief Administrative Officer or the [[employer]] Chief Administrative Officer notifies the certified representative that [[it]] either objects to the reappointment.

(d) If the Administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new Administrator, subject to Council confirmation, to serve the remainder of the previous Administrator’s term. The Administrator appointed under this subsection may be reappointed as provided in subsection (c).

[(d)] (e) The [[Labor Relations]] Administrator must be paid a daily fee as specified [[by]] in a contract with the County, and must be reimbursed for necessary expenses incurred in performing the duties of Administrator.

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.
Approved:

Marilyn J. Praisner March 1, 2007
Marilyn J. Praisner, President, County Council
Date

Approved:

Isiah Leggett March 12, 2007
Isiah Leggett, County Executive
Date

This is a correct copy of Council action.

Linda M. Lauer March 12, 2007
Linda M. Lauer, Clerk of the Council
Date